REPORT

OF THE

BOMBAY FOREST COMMISSION.

VOLUME II.

ORAL EVIDENCE AND EXHIBITS PRODUCED BY WITNESSES.

Bombay:
PRINTED AT THE GOVERNMENT CENTRAL PRESS.

1887.

Digitized with financial assistance from

Shri Brihad Bhartiya Samaj

on 24 February, 2020

CONTENTS.

Number of Statement or Exhibit.	Subject.	Page.
	ORAL EVIDENCE.	
	PART I.	
	(Thána.)	
1	Statement of Mr. Shámráv Ballál (Karjat)...	1—3
2	Do. of Mr. Gangádhar Bháskar Dhárap (Karjat)	3—6
3	Do. of Mr. Balvantráv Moreshvar Joshi (do.)	6—9
4	Do. of Colonel Godfrey, Superintendent of Revenue Survey, Thána and Ratnágiri	9—11
5	Do. of Shiváji Pánduji Ráv More (Karjat)	11—15
6	Do. of Ráv Sáheb Bháu Rámchandra, Mámlatdár of Karjat... ...	15—19
7	Do. of Ráma Pándu Thákur (Karjat)	20
8	Do. of Ráma Jhima Dhangar (do.)	20—21
9	Do. of Mr. Bápu Dádáji Korde (Murbád)	21—22
10	Do. of Mr. Balvantráv Sakhárámráv Deshmukh (Murbád)	23—25
11	Do. of Goma Dhávji Kengla (Murbád)	25—26
12	Do. of Ráv Sáheb Rájárám Vishvanáth Gadkari, Mámlatdár of Murbád...	26—29
13	Do. of Mr. Bálkrishna Lakshman Pattekar (Sháhápur)	30—32
14	Do. of Aba Gavru Sapát (do.)	32
15	Do. of Deu bin Pálu Hindole (do.)	32—33
16	Do. of Samudrya bin Vikramya (do.)	33—34
17	Do. of Mr. Ganpatráv Rávjiráv Deshmukh (do.)	34—35
18	Do. of Ráv Sáheb Nárávan Vásudev Kunte, Mámlatdár of Sháhápur ...	36—42
19	Do. of Ráv Sáheb Ganpatráv Malhár Bokad, Police Inspector, Sátára ...	42—43
20	Do. of Khán Sáheb R. H. Mádan, Sub-Assistant Conservator, Thána ...	44—45
21	Do. of Mr. J. DeC. Atkins, Forest Settlement Officer, Thána ...	45—51
22	Do. of Mr. Appa Bápushet Váni (Bhivandi)	51—52
23	Do. of Mr. Mádhavráv Anant (do.)	52—53
24	Do. of Bháu bin Rám Pátil (do.)	53—54
25	Do. of Jánya bin Sakhya (do.)	55
26	Do. of Ráv Sáheb Báláji Lakshman, Mámlatdár of Bhivandi ...	55—61
27	Do. of Ráv Sáheb Sitárám Dámodhar, Mámlatdár of Kalyán ...	61—65
28	Do. of Mr. Krishnáji Káshináth Ok (Kalyán)...	65—68
29	Do. of Rágho Pátil bin Bend Pátil (do.)...	69
30	Do. of Rám Pátil Pad Pátil (do.)...	69—70
31	Do. of Govind Pátil bin Sankru Pátil (do.)...	70—71
32	Do. of Mr. Dharama Kamal Bhoir (Sálsette)	71
33	Do. of Govind Ján Pátil (do.)	71—72
34	Do. of Soma bin Goma Pátil (do.)	72—73
35	Do. of Mr. Káshináth Vishnu Phadke (do.)	73—74
36	Do. of Ráv Sáheb Vishnu Rámchandra, Mámlatdár of Sálsette ...	74—77
37	Do. of Mr. Govind Náráyan (Dahánu)	78—80
38	Do. of Mr. Ardesar Dárabji (do.)	80—81
39	Do. of Dhákya bin Radhya Sutár (do.)	81—82
40	Do. of Mr. Bhána Nisa Mori (do.)	82—83
41	Do. of Sukrya Hari Sutár (do.)	83
42	Do. of Mr. Frámji Hormusji (do.)	83—84
43	Do. of Hira bin Dharma (do.)	84—85
44	Do. of Chaitya bin Lálya (do.)	85
45	Do. of Mr. Pándurang Hari Phátak (do.)	85—89
46	Do. of Chamárya bin Jogi (do.)	89
47	Do. of Jagu Govind Pátil (do.)	89—90
48	Written Statement of Mr. Vináyak Jagannáth, Officiating Mámlatdár of Dahánu	90—94
49	Do. of Mr. Bálkrishna Mahádev Chitale, Mahálkari of Umbargaon	94—97
50	Statement of Rájya bin Mahádya (Máhim)...	97—98
51	Do. of Mr. Chinto Krishna Barve (do.)...	98—100
52	Do. of Ana bin Nána Ráut (do.)...	100—101
53	Do. of Bháskar Arjun Lohár (do.)...	101—102
54	Do. of Mr. Rango Krishna Dándekar (do.)...	102—104
55	Written Statement of Ráv Sáheb Náráyan Gopál Ráje, Mámlatdár of Máhim ...	104—108

Number of Statement or Exhibit.	Subject.	Page.
	ORAL EVIDENCE—*continued.*	
	PART I—*continued.*	
	(*Thána*—continued).	
56	Statement of Mr. Lakshman Náráyan Sádhle (Bassein)	108—115
57	Do. of Bistur Suktya Pátil (Bassein)	115—116
58	Do. of Bendu Keshav Pátil (do.)	116—118
59	Written Statement of Ráv Sáheb Ana Gopál Kotvál, Mámlatdár of Bassein ...	118—124
1-107	Exhibits—Documents or Translations of documents put in as evidence ...	125—187
	ORAL EVIDENCE.	
	PART II.	
	(*Kolába*).	
1	Statement of Pándu Bábáji Máli (Alibág)...	188—189
2	Do. of Tulya bin Dhondya (do.)...	189—190
3	Do. of Bálya valad Krishna Mhár (Alibág)...	190
4	Do. of Mr. Tukárám Dharmáji Mokal (do.)...	190—191
5	Do. of Mr. Sáhebkhán valad Mogulkhán Jamádár (Alibág)	191—192
6	Do. of Mr. Mahádev Shridhar Kámat (Alibág)	193—194
7	Do. of Mr. Pándurang Rághoba Vasaikar (do.)	194—195
8	Do. of Mahádu bin Arjun (Pen)	195—196
9	Do. of Govind Lakshya Kátkari (do.)	196—197
10	Do. of Mr. Báláji Vishvanáth Joshi (do.)	197—198
11	Do. of Mahádu bin Cháhu Thákur (do.)	198
12	Do. of Miyásáheb valad Alisáheb (do.)	199—200
13	Do. of Mr. Govind Purshotam Kolatkar (do.)	200
14	Do. of Dhondu bin Ráya (do.)	200
15	Do. of Dharmáji bin Páyáji Shelke (Roha)	200—202
16	Do. of Mr. Aoran Samuel (do.)	202—203
17	Do. of Mr. Vithuji Mahádji Bámugde (do.)	204
18	Do. of Gulám valad Abdul Rahiman (Mahád)	204—205
19	Do. of Mr. Pándurang Lakshman Dándekar (Roha)	205—207
20	Do. of Mr. Vithal Mahádev Dhámankar (Alibág)	207—213
21	Do. of Ravji bin Mahádu Bhagat (Panvel)	213
22	Do. of Arjun bin Gan Pátil (Panvel)	213—214
23	Do. of Goju Kukáji Gavli (do.)	214
24	Do. of Mahamad Ibráhim valad Mahamad Hussein (Panvel) ...	214—215
25	Do. of Bábáji Krishnáji (Panvel)	215—216
26	Do. of Mr. Náráyan Hari Pátankar (do.)	216
27	Do. of Mr. Vásudev Shripat (do.)	216—217
28	Summary of replies to questions forwarded by the Commission to Mámlatdárs in the Kolába District	218—234
1-19	Exhibits—Documents or Translations of documents put in evidence ...	235—245
	ORAL EVIDENCE.	
	PART III.	
	(*General.*)	
1	Statement of Colonel C. W. Godfrey, Superintendent of Revenue Survey, Thána and Ratnágiri	246—248
2	Do. of Mr. Kharsetji Hormusji Dádishet, Proprietor of Eksar, Táluka Sálsette	248—249
3	Do. of Mr. J. DeC. Atkins, Forest Settlement Officer, Thána ...	249—263
4	Do. of Mr. A. D. Wilkins, Divisional Forest Officer, North Thána ...	263—272
5	Written Statement of Mr. Hornidge, Divisional Forest Officer, South Thána ...	272—273
6	Statement of Mr. W. W. Loch, Collector of Khándesh	273—275
7	Do. of Mr. T. D. Mackenzie, Acting Secretary to Government, Revenue, Financial and General Departments	275—276
8	Do. of Mr. A. T. Shuttleworth, Conservator of Forests, North Circle ...	276—280
9	Do. of Ráv Bahádur K. M. Thatte, Huzúr Deputy Collector of Sátára ...	280—282
10	Do. of Mr. E. J. Ebden, Collector of Bijápur	283—286
11	Do. of Mr. W. B. Mulock, Collector of Surat	286—287
12	Do. of Mr. W. F. Sinclair, Forest Settlement Officer, Kolába ...	288—300
13	Written Statement of Mr. Keyser, Collector of Kolába	300—305

Number of Statement or Exhibit.	Subject.	Page.
	ORAL EVIDENCE—*continued.*	
	PART III—*continued.*	
	(*General*—continued).	
14	Summary of Answers to General questions :—	
	Subject—Measures to prevent reckless destruction of trees in occupied lands	306—316
	Do. Royalty trees	316—321
	Do. *Shindád* lands	321—334
	Do. Extension of cultivation	334—335
	Do. Transfer of rice and *varkas* lands	335—336
	Do. Supply of wood for houses, agricultural implements, fuel, &c., to meet local demand, abuse of privileges	336—342
	Do. Changes in the relations subsisting between the Revenue and Forest officers	342—344
	Do. Effect of forest conservancy on grazing	344—347
15	Replies to the questions on the subjects above noted, submitted by the Thána Forest Association	348—358
1-37	Exhibits—Documents or Translations of documents put in as evidence ...	359—414

ORAL EVIDENCE.

PART I—THANA.

ORAL EVIDENCE TAKEN BEFORE THE FOREST COMMISSION.

WITNESS NO. 1—(KARJAT *Táluka*).

11th December 1885.

SH'AMRA'V BALLA'L, a Bráhman, cultivator and money-lender, aged 60, residing at Vengaon, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold *suti* land in Vengaon and nine other villages. Of these the village of Bhutivli alone has forest. There is no forest in any other village. I have served as a *taláti* or village accountant in the Karjat *táluka* or sub-division from 1843 to 1873. I pay Rs. 150 to Government in the shape of assessment. The following forest products are required for the several purposes named: firewood for domestic purposes; *jhitas* or small branches for fencing; posts; *ángras* or bifurcated posts for fences; *ain*, Terminalia tomentosa and other wood for building purposes; *khair*, Acacia catechu or *koshimb*, Schleichera trijuga wood for ploughs used in agriculture; teakwood for yokes and wood for *petáris* or basket-dredges. *Halas* or plough-pole may be made of *koshimb* wood. *Khair* or *koshimb* wood is required for *petáris*. Wood is also required for the shaft of *alvats* or mould boards. No other wood is required for agricultural implements. *Táhál* or twigs of *ain*, Terminalia tomentosa; *dhávda*, Anogeissus latifolia; *nána*, Lagerstræmia lanceolata; *bonda*, Lagerstræmia paniculata, and similar trees is required for *ráb* or burning seed-bed. Ploughs made of teak, black-wood, or *khair* last for two years. If they are of any other wood, they last only for one year. Grass and cow-dung are required for *ráb*. *Kárvi*, Strobilanthus grahamianus and bamboo bins are required to store paddy in. Teak leaves are used to line these baskets, both at the bottom and at the sides, to prevent corn from getting out. We erect cattle-sheds in farms. Any kind of wood that is available is used for the purpose. To protect the crops, *mándavs* or booths are required to be erected. Any kind of wood is useful for the purpose. Wood is also required for *máchás* or platforms for storing straw. Survey Settlement was introduced in Karjat *táluka* or sub-division in 1854-55. The posts or stiles and other fencing materials are bought of Kátkaris, (one of the forest tribes), who bring them from the forests at Dhák. Ten years ago these materials were obtainable from the forests in Vengaon, but now that the forests have been destroyed we have to buy them of the Kátkaris. Formerly I used to fetch fuel from Kátaldara and Páli forests by my servants. Kátaldara is a collective name for the forests of the two villages of Chochi and Kondháne. The fuel was brought in carts. I had not to pay anything for it. I used to bring both green as well as dead wood for fuel. This I did up to six or seven years ago; but as I have since been prohibited from fetching fuel from those villages, I now buy it of the Kátkaris and Thákurs (forest tribes). It is sometimes bought at Kondháne, and brought to the village on my carts. The Kátkaris bring the fuel from forests, for which they have to pay nothing, and sell it to us. Formerly they had to pay a fee for cutting fuel in the forests. I require for annual consumption about twenty cart-loads of fuel. As I had my own carts and servants to fetch fuel, I had not to spend anything before; but now I have to spend Rs. 10 or Rs. 12 for the twenty cart-loads of fuel required. One head-load costs from one anna to one anna and a half. From eight to ten head-loads make up a cart-load. My family consists of nine members. I have to pay about Rs. 3 annually for fencing materials, *i.e.*, the value of two maunds of paddy. There are nine non-forest villages in which I hold land. The people of those villages supply themselves with *ráb* materials from forests in neighbouring villages. The people of Injivli fetch *táhál* or twigs for *ráb* from the forests of Dhák; and the people of Sándhe from those of Anjap. I do not know where the people of other villages bring the *ráb* materials from. The *shindád* lands[1] of Vengaon yield *ráb* materials. I draw my supply of *ráb* from the *shindád* land allotted to me as my *málki* or occupied *varkas*.[2] Other people also supply themselves with *ráb* materials from their respective *málki* numbers. We supply ourselves with *ráb* in the same way as before. We are not prevented by anybody from doing so. I have full right over

1 *Shindád* lands are lands from which branches of trees for *ráb* are cut.

2 *Varkas* is inferior land which is used either for hill grain cultivation, growing grass or supplying *ráb* materials.

my *málki* numbers. The cutting of trees in these numbers has been recently prohibited. My *ardhelis* (tenants who pay half the share of the produce in the shape of rent) cut fuel for their use from my *málki* numbers. All the ten villages in which I hold lands have small areas of *gurcharan* or free grazing lands. The grazing that is set apart, together with that available from *málki varkas* land, is sufficient for the cattle of those villages. In this *táluka* the cattle of non-forest villages are taken to forest villages for grazing. No trees of any kind growing in *málki* numbers are allowed to be cut. Mr. Mulock prohibited even the cutting of trees in the compounds of houses. Subsequently permission was given to cut them; but no such permission was given to cut other trees. The fruit trees, mango and *mowra*, Bassia latifolia, in *málki* numbers are now allowed to be cut.

By the Commission.

I use the cow-dung of my cattle only for *ráb*. The cow-dung obtained in cattle-sheds is collected from October to March. The cow-dung in the monsoon is allowed to rot. To prepare *ráb* for one acre of rice-land twenty-five bundles of grass are required, besides *táhál* or twigs and cow-dung.

Some of the land that I hold, is inherited, and some acquired by myself. The assessment of the land inherited is about Rs. 100, while that of land acquired by myself is about Rs. 50. The latter is situated in four or five villages. It consists of from ten to twelve acres of *kharíf* or rice land, and ten acres of *varkas*. This land was acquired partly by private sale, partly by purchase through civil courts, and partly also by mortgage. I have never sold any fuel or wood of any kind from my lands.

I have got *varkas* lands along with most of the *kharíf* land that I have acquired. Possibly in a solitary instance I have not got *varkas* lands with *kharíf*. I have not sold *kharíf* lands without any *varkas* appended to it. I have sold *kharíf* and *varkas* combined.

There is no firewood to be had in the Government forests of Vengaon. There are no materials for fences obtainable from them, because they have been exhausted by the people. Ten years ago fencing materials were obtainable from the Vengaon forests. The people of Chochi, Kondháne, and Páli have never objected to wood being cut and removed from their villages. The greatest distance from which people fetch *táhál* for *ráb* by head-loads is four miles and by cart six miles. The village of Sándhe is three or four miles from Anjap. Kátkaris have been cutting and selling wood to the people for a long time. When I used to bring wood by my servants, the Kátkaris might have sold wood to other people. What I ask for from Government is, that I should be allowed to bring (1) fuel from the forests of Chochi and Kondháne (Kátaldara) and Páli; (2) wood for agricultural implements, such as ploughs, &c. I have no other grievances to bring forward.

There is no *khátedár* who holds *kharíf* land alone, or *varkas* land alone, in the village of Vengaon.

There are four or five more houses now in Vengaon than ten years ago with compounds provided with fences. People do not have fences of *sábre* or cactus, because it grows fast and spreads, and, therefore, it occupies much more space than could be spared. What I have said above about the disposal of cow-dung applies only to droppings collected from cow-pens, and not to droppings in fields outside the cow-pens.

15th December 1885.

During my service of thirty years I may have had a substitute to work for me for an aggregate period of one to one-and-a-half year on account of illness and other causes. Sometimes I employ Kátkaris to do my field work. There are no Thákurs in our village. I pay Kátkaris either in kind or in cash, as they wish, both for work done and in purchase of firewood. Other people also employ Kátkaris. Kátkaris are employed as day-labourers during the season of field work only; at other times they eke out a living by selling firewood, &c. By the word *hangám* I mean the time of transplantation, weeding, and reaping. They thus find employment for about four months in the year. They cultivate *dalhi* land, and occasionally small plots of *kharíf*. In my village two Kátkaris cultivate rice land. Kátkaris break metal for roads. They are rarely employed on railway works. They do not go to Bombay in search of work. Kátkaris gather fruit in forests, and sell them. In my village there are about twenty Kátkaris (males). In transplantation work all Kátkaris, *i.e.*, men, women, and children, are employed; but collecting *ráb* and reaping are only done by men. The yearly assessment of our village is from Rs. 500 to Rs. 600. Owing to cutting for *ráb* and fuel during the last ten or twelve years, the forest at Vengaon has disappeared. The fencing materials brought from the Dhák forest by Kátkaris fetch somewhat higher price than firewood. We do not purchase timber for houses and cow-pens from Kátkaris; we purchase from them materials for *máchás* and *málás* (low and high platforms). Kátkaris do not bring wood fit for building purposes. Occasionally they bring wood fit for repairing Kunbi huts. For this they are paid either in cash or in grain. I never officiated as *kulkarni* or village accountant at Vengaon.

My family consists of nine members. Formerly one servant brought the twenty cart-loads of firewood required by me; but I had to employ a day-labourer for cutting the firewood and filling the cart. At the rate of two days for a trip, it took forty days to bring in

twenty cart-loads of firewood; and at the rate of two annas a cart-load I paid Rs. 2½ for cutting and filling twenty cart-loads of firewood. At Vengaon we buy fuel brought by Kátkaris, at the rate of one to one-and-a-half anna a head-load. A Kátkari (male) can bring at a time two or three head-loads of firewood. Firewood is brought by the Kátkaris from the forest of Dhák at a distance of two to three miles. Formerly we had to pay only two annas to a Kátkari for his labour for a cart-load of firewood, but now a cart-load of firewood costs ten annas,—that is to say, the Kátkaris now receive five times as much as we paid formerly. The nine members of my family are—self, wife, a nephew and his wife, two widows of the family, two grandsons, and one servant.

At Vengaon carts cannot be let on hire. Almost everybody keeps his own cart. I have never hired my cart to anybody. It is used in carrying rice, straw and firewood.

WITNESS NO. 2—(KARJAT *Táluka*).

12th December 1885.

GANGA'DHAR BHA'SKAR DHA'RAP, a Bráhman, cultivator and money-lender, aged 53, residing at Neral, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold *suti* land in eight villages. I pay assessment to Government about Rs. 700 to Rs. 750, including local funds. I have been appointed by Government a member of the Local Board. I own land in Neral, the assessment of which is Rs. 75. I cultivate seven or eight *bighás, i.e.*, acres, of land myself. All the rest I sub-let. Along with the *kharif* or rice land that I hold in Neral there is *varkas* land entered in my name, and *shindád* land besides. *Shindád* lands are comprised in separate numbers. *Varkas* means grass land. Besides the above there is *pot varkas*.[1] The *shindád* land is entered in my name. I bought this land from Mhárs and other people. I have erected cattle-sheds in it, and have employed a servant to keep watch over it. I bought the land because *ráb* was insufficient, and because there was no place for cattle-sheds on my estate. I bring *ráb* for the Neral lands from the *shindád* lands, and if it is not obtainable there I bring it from the large forests. I mean by *shindád* land, the place where *táhál* is cut. Every one has his separate *shindád* land allotted to him. It is long since these *shindád* lands were separately marked off. They have been allotted from time immemorial. I do not know at what time they were allotted. The *shindád* lands have now been separately marked off, and entered in my name. The year previous to the *varkas* survey Mr. Ok selected some *shindád* lands for reserved forests. One of my *shindád* pieces was so selected. When the *varkas* demarcation was made, this piece was not measured and entered in my name. It is known by the name of A'mbyáchá-khonda. Mr. Náráyan Ballál Ok selected the land for the Forest Department. The *shindád* lands of five or six other persons, such as Joglekar and Pátil, were similarly selected. I obtain my supply of fuel from the forests. The people of the five villages of Dhámoti, Bopele, Kolhár, Jite, and Borle take away firewood and wood for agricultural purposes from the forests of Neral. The people of these five villages fetch *táhál* from the forests of Neral and *gurcharan* lands when their supply fails. These are *benádi* or non-forest villages. There is *gurcharan* set apart for Neral, but I do not know what its area is. The grazing in the *gurcharan* is insufficient for the village cattle, which consequently resort to the Government forests. Thákurs and Dhangars graze their cattle in the forest of Neral. The people of other villages do not graze their cattle in it. The non-forest villages take fuel, &c., from the Neral forest; but notwithstanding this fact we get enough wood for our wants. As it has been a custom with the people of these villages to take wood from the forest for a long time, we do not look upon it as an encroachment. Two years ago I bought land assessed at Rs. 50 in Dhámoti. In 1861-62 Mr. Robertson began to fell the forest of Neral in order to supply the Bombay trade. When we protested that the cutting of trees in *shindád* lands would be prejudicial to agriculture, Government appointed a committee consisting of Messrs. Ellis, Dalzell and Francis. This committee selected for forest, lands over which people had no rights; and to demarcate such lands from other lands in the village they had a strip, twelve cubits wide, cleared between the two. The trees felled were sold by auction, and the money realised was credited to Government. Subsequently, in 1873, Mr. N. B. Ok selected more land for forest from *shindád* allotments. He did not give us any notice of his intention. The *varkas* survey took place in 1874-75, when again for the third time *shindád* lands were selected. We received no notice of this either. At present the boundary line of the forest abuts on our fields. Four years ago I cut one *ain*, Terminalia tomentosa tree, which I had bought, in *shindád* land. Inquiry was made, and I was made to pay the value of the tree—one rupee—and a fine of one rupee. The land in which the tree was standing was in the usufruct of Deu Satváji Pátil, but as it had been selected for forest by Mr. Náráyan Ballál Ok it was not entered at the time of the *varkas* survey in his name. When the strip of twelve cubits was cleared to

[1] *Pot varkas* is a patch of inferior land in the midst of rice cultivation.

mark off the Government forests in 1861-62, cairns were also erected at intervals. Mr. Ok must have added from about 500 to 600 acres to the forest area in Neral; but I do not know the exact figure. I do not know of Mr. Ok having marked the forest boundaries. I do not know of Mr. Ok having inquired into the rights of the people over the lands which he selected, as was done at the time of Mr. Ellis' Committee. I do not know the details of the allotments made by Mr. Lawrence. When forest lands in Neral were selected in 1861-62, similar selections of forests were made in twenty or twenty-five villages, such as Humgaon, Dhámni, &c. I believe I have a right to all the trees growing in *shindád* lands which are entered in my name. Even after Mr. Ellis' demarcation we have taken firewood and other wood for field purposes from the Government forests, and still continue to do so. When Mr. Ellis marked off what were to be Government forests, he did not decide upon the rights of the people thereon, I believe that the people of the village in general have right in what was then marked off as Government forest. I do not think that the right has been confined to certain individuals or classes. Government have at different times felled teak trees in *shindád* or other forests. The felling of teak trees by the people is prohibited. From this I infer that Government have proprietary rights over teak trees. The felling of teak trees was first prohibited in 1840. Before that time teak trees are said to have been felled by rayats; but I do not know. For cultivation in other villages, such as Bhálavli, Tákve, and Ámbve, *táhál* is taken from the *shindád* land of each village. Five or six years ago I built a house at Neral. The timber used was partly old timber taken from the houses I purchased, and partly new timber purchased from contractors and from the Government depôt.

By the Commission.

What we chiefly ask for from Government is, to be allowed to take free from Government forest firewood, wood for the different parts of the plough, wood necessary for agricultural operations, wood for fences and carts, timber for erecting cattle-sheds and for huts of poor Kunbis, *táhál* or loppings for *ráb* when the supply from allotted *shindád* lands is insufficient or when there is no *shindád* land allotted for the purpose. We also beg to be allowed to graze our cattle in the forest. All these things above enumerated should be given free to all people from Government forests. By all people I mean all cultivators, forest tribes as well as people who have customary rights to bring these things, from Government forests. I have not felled trees for sale in my lands either at Neral or at any other place. For these last two years people have sold *mowra*, Bassia latifolia, mango and tamarind trees. At one time I bought an *ain* tree. I do not think that the cutting of *ain* trees is prohibited. Nobody has sold *ain* trees to dealers in wood, because such sale would reduce our supply of *ráb*. I do not believe that there is any prohibition to fell *ain* trees in *málki* numbers. I do not recollect of any intimation having been given at the introduction of the Survey Settlement that Government has reserved teak and blackwood trees, and such other trees as were conserved by Dr. Gibson. From the fact of my being fined for cutting down an *ain* tree, I inferred that the cutting of trees of this kind was prohibited. I had never before felled any *ain* tree from my *málki* numbers.

The land I purchased from Mhárs was a portion of their *shindád* allotments, and was denuded of all *ráb* material. I have been conserving the trees in the land for the last four years. It is five or six years since I purchased the land. The names of the Mhárs from whom I purchased the land are Poshya, &c. The Mhárs may have in their occupation small plots of *kharíf* land. I do not know whether they get sufficient supply of *ráb* materials or not. They paid assessment for it, as it was not their *inám*. I have been paying it in the same way as the Mhárs did since it was transferred to me. We brought both green and dead firewood from Government forest. The lands of the Mhárs became bare of vegetation because the trees therein were cut by the people in the village. The wood so cut was not sold. I paid cash for the land. I had no money-lending connection with the Mhárs.

We have been prohibited from cutting green wood for fuel, but as there is no other place to get it from, we manage to obtain it from Government forest. The inhabitants of non-forest villages exercise a customary right of taking firewood from Government forest. I do not think that people of non-forest villages have an inferior right over such forest for supplying themselves with firewood because the forest happens to be situated in our village. We use for fuel *ain*, Terminalia tomentosa, *dhávda*, Anogeissus latifolia, and *shembat*, Odina wodier wood. We cut for this purpose such wood as can be cut with a bill-hook. The thickest branch that we cut for *ráb* is from six to eight *tasus* or nine to twelve inches in girth. Of this material we use any large pieces that are found for firewood.

My *suti* lands comprise 200 acres of *kharíf* and 400 acres of *varkas*. One acre of *kharíf* land requires one-and-a-half to two acres of *varkas* for obtaining *táhál* from. Besides this, one-and-a-half acre of grass land is necessarry. *Ráb* materials and grass are collected in my *kharíf* lands. In my *varkas* lands I do not get all the things that are necessary for me, as there are but very few trees of other kinds than *ain* in *shindád* lands. As there is no firewood to be obtained from these lands, we have to resort to Government forest.

It is not customary to take the cattle of the five non-forest villages to Neral for grazing. I tried to see Mr. Lawrence about my *shindád* land that had been taken up for forest, but I missed him. I still obtain *ráb* from that piece of *shindád*. I do not know whether this

piece of land is included in the land allotted to the people by Mr. Lawrence. To prepare *ráb* for an acre of inferior land three seed-beds are required and for an acre of superior land, two seed-beds. If the droppings of two head of cattle be gathered for six months, they will be enough for preparing one to one-and-a-half seed-beds; only all the droppings must be obtained. As Kunbis employ their children to tend their cattle they get all the droppings of their cattle. The whole of the droppings of the village cattle are utilised by some one or other. For preparing *ráb* cow-dung is collected from November to March. The cow-dung obtained during the months of April and May is made into cow-dung cakes for fuel. From June to September no cow-dung fit for *ráb* can be obtained. Some cattle are let loose to graze without anybody to tend them. The cow-dung collected during the months from June to September is converted into manure and is spread over the *táhál* at the time of burning the *ráb*.

Even after the Government forest had been demarcated by the strip of cleared land, we exercised our customary rights over it. I do not know why the Government forest was marked off from other lands in this way. I do not know why the people have sold trees of *mowra*, tamarind and mango, during the last two years. The trees have fetched less than the value of their yearly produce. The trees may have been cut down as no wood was obtainable from the forest.

I have sublet my land to Kunbis for fixed rent, and not to Dhangars and Kátkaris.

If the restriction on the cutting of thirteen kinds of trees were removed, I believe the people would cut them down. If people will sell wood to dealers when they are permitted to take it gratis for their wants, the permission should be withdrawn.

16th December 1885.

The following crops are raised in *varkas* lands, *viz. nágli*, Eleusine coracana; *vari*, Panicum miliare; *udid*, Phaseolus mungo; *til*, Sesamum indicum; *kulith*, Dolichos uniflorus; and *tur*, Cajanus indicus. *Varkas* cultivation is as old as rice. Sweet potatoes and brinjals are also grown in *varkas* in the monsoon. Of these *varkas* crops *nágli* and *vari* require *ráb*. The extent of *varkas* cultivation is about the same now as before the Survey. There may have been an increase or decrease to the extent of ten per cent. Rice is the staple food of Pándharpeshás in the *táluka*. Marátha Kunbis eat rice at noon. In the morning and evening they eat *nágli* and *vari* bread. Thákurs, Dhangars, Kátkaris and Kolis eat a little rice at noon, and in the morning and at night live upon *varkas* grains from *Kártik* or November to *Shimga* or March. From *Chaitra* or April to *A'shádh* or July they live entirely on *varkas* grain. At the time of transplantation they get rice at noon only. After this till *A'shvin* or October they generally live upon *varkas* food grains alone. *Nágli* bread enables these people to stand hard work better, because it is a nourishing food. Excepting Pándharpeshás the people live more upon *varkas* grains than on rice. They generally grow enough *varkas* grains for their consumption; and if their supply is insufficient they sell paddy to buy *nágli* and the like. Hilly land is not necessary for *varkas* grains. *Varkas* crops require *ráb* which must be obtained from forests. Therefore in those villages where there is hilly land covered with forest, *varkas* crops are grown near forest lands. In those villages where there is no hilly land the people grow *varkas* crops on *málvat* or upland. To grow *varkas* crops it is necessary to have ploughs and cattle. Thákurs have no such resources. They clear lands on the hills by cutting trees and bushes. The trees and bushes so cut are spread on the land on which they are cut and then burned. When the land is so prepared the soil is turned up with a hoe and *nágli* and *vari* crops are sown in it. Kunbis do not *dalhi*[1] cultivate. Thákurs generally have no ploughs. They cultivate by hand. Even those who have ploughs cultivate by *dalhi*.

Pándharpeshás store sufficient fuel in *Vaishákh* or May to last from *A'shádh* or July to *A'shvin* or October. After *A'shvin* a few days supply only is brought at a time. No one ever stores a year's supply at a time.

The following are the causes of the destruction of forests in the Karjat *táluka*:— When the railway was under construction *ain*, Terminalia tomentosa and *khair*, Acacia-catechu trees wherever obtained were cut down to provide the railway with sleepers and fencing materials. A Pársi was given the contract for supplying these materials. Fine large trees one-and-a-half to two-and-a-half cubits in girth, were felled. Some were as large as the grown up mango trees at this camp. When the railway had been opened Government permitted cutting of all trees except teak and blackwood for fuel on payment of fees. This felling of wood lasted for about six or seven years. The felling was carried on under supervision of the *nákedárs*[2] and other forest officers. Trees of every description wherever obtained in the *táluka* were cut down and sent to Bombay by rail. When the fellings for firewood were made, contractors made charcoal in forests paying Government Rs. 1½ per cart-load. This manufacture of charcoal was probably carried on from 1860 to 1865-66. The contractors were charged one rupee for every cart-load of firewood removed from the forests.

[1] *Dalhi* is a forest clearing system under which any one who pays a certain fixed sum might clear a space in the forest, cut and burn the trees and bushes, and raise a crop of *varkas* grains.

[2] *Nákedárs* are Forest Department subordinates stationed at the termini of roads or railway stations to issue permits and to see that timber, &c., is not smuggled out of Government forests.

17th December 1885.

One cart contains one Bombay candy or seven hundredweights of logs for firewood. The trees used are *dhávda*, Anogeissus latifolia; *ain*, Terminalia tomentosa; *nána*, Lagerstrœmia lanceolata; *bonda*, Lagerstrœmia paniculata; *kalam*, Nauclea parvifolia; *hedu*, Adina cordifolia; *ámvli*, Phylanthus emblica; and others. Of these *ain*, *hedu* and *kalam*, are timber trees. *Dhávda* wood is used by Kunbis for their houses. Wood of the above kinds was at one time exported in large quantities on payment of fees to Government.

Mr. Mulock went so far as to prohibit the cutting of trees standing in village sites. For fear lest the fruit trees might also be reserved at the revision survey, people have availed themselves of the permission under the rules in force to cut them down and sell them.

The teak trees which I saw growing along both sides of the road leading to Mátherán when I accompanied the members of the Commission the other day are about forty years old, *i.e.*, they have been standing there as long as I can remember. I think that a crooked tree requires from fifty to sixty years to attain the girth of from three to four cubits. The trees which I said above were cut for firewood must have been from fifty to sixty years old. In this *táluka* it is customary to send cattle of non-forest villages to graze in forest villages and they are temporarily housed there for four months in cattle-sheds. When the Karjat *táluka* was surveyed our *varkas* lands were not broken up into separate survey numbers and entered in the names of their respective holders as in other *tálukás*. The consequence of this has been that we are not allowed to cut wood in our *málki* numbers as we like as the people in other *tálukás*. The reason why so many complaints have been made about *ráb* in our *táluka* is that the year before last the bundles of dried *táhál* cut by Thákurs from our *shindád* lands selected for forest in 1873 by Mr. N. B. Ok and from other Reserved forests, were by order of Mr. Shuttleworth, the Conservator of Forests, attached and taken to the Government depôts at Chinchavli and Neral. These bundles of *táhál*, were not given back to us. Much discontent was thereby caused. We condemn the depôt system because we do not get from the depôts suitable materials for agricultural implements such as ploughs and for other purposes for which they are required.

When the Chairman asked me whether I was of opinion that if the prohibition against felling the thirteen kinds of reserved trees were withdrawn the people would fell them, I first became aware of the prohibition. When I was fined for cutting down the *ain* tree I did not inquire what other trees were similary reserved.

My fifty acres of *varkas* at Neral are not cultivated but about one-fourth to one-third of my *varkas* elsewhere is under the plough. There is great difficulty in getting farm labourers at the time of transplantation, for then the Thákurs have their own cultivation to attend to and their labour is not available. Much of the Kátkari labour at that time is also bespoken. Those not engaged are available, but it is very difficult to secure them when they are wanted. I have no money-lending dealings with the Kátkaris. They are a roving tribe and can offer no security. Moreover they cannot be trusted. When wood was removed from the jungles to supply the trade and the demand for railway construction the forest was much thinned. But it has improved since. I think that the denudation of the hills will be prejudicial to agriculture. When poor people are hard pressed for food they sell their fruit trees even to Bombay traders.

Witness No. 3—(Karjat *Táluka*).

15th December 1885.

Balvantra'v Moreshvar Joshi, a Bráhman, Government pensioner, aged 57, residing at Gourkámath, stated in reply to questions

By the Secretary, Thána Forest Association,

I am a pensioned *máhálkari* or chief revenue officer of a *peta* or petty sub-division, residing at Gourkámath, *táluka* Karjat, in the district of Thána. It is three years and eight months since I retired. I was then *máhálkari* of Karanje (Uran). I have served as *máhálkari* in the *tálukás* of Panvel (Karanje) and Sháhápur (Mokháda). I hold *suti* land in eight villages of the Karjat *táluka*; some of it is ancestral and some self-acquired. The extent of my *kharíf* land is forty acres. I pay Rs. 150 as assessment. Of this, twelve acres, assessed at Rs. 50, are ancestral, and twenty-eight acres assessed at Rs. 100, self-acquired. My land is distributed over eight villages, *viz.*, Kushivli, Gourkámath, Kohil, Dhák, Jámbivli, Sálokh, Sápele and Bárne (an *izáfat* or special service village). Of these eight villages, Kushivli, Dhák, Kohil and Jámbivli are forest villages. Dhák has an extensive forest, but the other three forest villages have only small patches of forest. I personally cultivate one acre and a half out of eleven acres in Gourkámath. It is divided into four fields. Two of them have five acres of *shindád* land attached. Half of the *shindád* land (two acres and a half) is ancestral. The acquired *kharíf* and *shindád* at Gourkámath were purchased

for cash. I bought six acres and a half of the former and two acres and a half of the latter. At the time of the purchase the *shindád* land was nearly bare. The stumps only afforded a small crop of shoots, which yearly were cut for *ráb*. I found my ancestral *shindád* land in precisely the same state when I went to live at Gourkámath on my retirement. Now my *shindád* lands can show about 2,000 trees, twelve to fifteen feet high, chiefly *ain*. There are perhaps fifty trees of other kinds. I had much difficulty in the improvement of the *shindád* lands. My tenants at first refused to cultivate my land, when I prohibited the cutting of the young shoots for *ráb*. As an inducement I placed at their disposal twenty-five head of cattle to produce cow-dung for *ráb*. I gave the lands for cultivation on condition of taking half the produce, instead of the fixed rent formerly customary. In some cases I had to transfer the lands from old tenants to new ones. The plan I resorted to for conserving the trees was as follows:—In the first year I allowed the tenants to lop all but the leading shoots. In the second year two shoots were kept untouched. In the third year three shoots were preserved, and the branches of the first year's shoots were allowed to be lopped. The pruning of the first year's shoots as above described has made the trees grow straight. Unpruned trees grow crooked. I had to undergo some expense to achieve this result. I had to erect cattle-sheds and farm-huts at a cost of Rs. 75. I dug a new well at an expenditure of Rs. 100. I have also planted seventy-five mango trees, three or four banyan trees, and five or six *jámbhul*, Eugenia jambolana trees. I had to lend money to two of my tenants Rs. 20 to one and Rs. 25 to another, at low interest, that is, six or nine per cent. per annum. By preserving the trees in this way I now get more *ráb* from my *shindál* land. I believe that I have proprietary rights over these *ain* trees. I planted the banyan trees because there is no certainty that Government will continue to allow leaves of these trees to be taken from Government forests. We do not cut the banyan trees for fuel, because we consider them sacred. I have not conserved trees in this way in the remaining three non-forest villages, because I cannot superintend in person the conservation of trees in those villages, and when there is no personal supervision people cut down trees in *shindád* land. For non-forest villages we fetch *ráb* materials from Government forest. The *shindád* land belonging to the villagers at Jámbivli was first declared *gurcharan* in 1875-76; and in 1883 all the *gurcharan*, with the exeption of six acres, was included in forest. In the four villages of Sápele, Jámbivli, Gourkámath, and Sálokh I fetch *ráb* from the *shindád* lands. When the supply so obtained is insufficient, the deficiency is supplied from the Dhák, Kohil, and Páli forests. Except in Dhák there is a small extent of *gurcharan* in all the villages. The cattle of Dhák graze in the village reserve or *gaon-khap*. At Kohil out of seventy-eight acres of *gurcharan* twenty acres were appropriated for forest. In 1883, when the Forest Settlement Officer came to Kolhár, we protested against the *gurcharan* lands being included in forests. We also produced oral evidence before him in support of our customary right of taking *ráb* from the lands selected for forest; but we were told that oral evidence was of no use. We have never been obstructed in the exercise of our right of grazing cattle in the portions of *gurcharan* included in forest. At Dhák the large forest area existed before 1875. In this forest we had exercised the right of grazing cattle, and we used also to erect cattle-sheds thereon. This forest is very old. The people of about twenty-five or twenty-six villages take grass and firewood, *ráb*, *karvand*, Carissa carandas berries, mangoes, soap-nuts, and other fruits from the Dhák forests. Except Kátkaris, people take these things from the forests for their own use only, not for sale. The people of the neighbouring villages supply themselves with *ráb*, &c., from these forests; but the people living in the village of Dhák do not look upon them as trespassers, because they have been for a long time enjoying the usufruct of the forest, and consequently they are looked upon by the Dhák people in the light of *bháiband* or persons attached by brotherly ties. There are from thirty-five to forty houses at Dhák. There is a well in the village, the water-supply from which is generally sufficient. I look upon Thákurs and Kátkaris as wild tribes. There are about two hundred houses of these wild tribes in the eight villages. These people bring for sale from forests all forest products, except teak, *viz.*, firewood, stakes for *mándavs* or booths, fencing materials of all kinds, *kárvi* both young and old, *bundhis*, *i. e.*, small bamboos, creepers of different kinds for fences, leaves of wild plantain trees for platters, leaves of teak trees for bamboo corn-bins, *vidi* or cigarette leaves, fruits and flowers of different kinds, honey, soap-nuts, wax, lac, gum, and charcoal and other products which are required for consumption in our villages. The people go as far as Dahivli and Chauk to sell these products. All the people generally enjoy the usufruct of the forests to the same extent as the wild tribes, save and except the right to collect for sale. I think that Mhárs and Kolis should be allowed the same forest privileges which Thákurs and Kátkaris enjoy. Kunbis and Pándharpeshás should be allowed to take forest products for their own consumption only. When the forest products that the Thákurs and Kátkaris bring for sale are not sold in villages they are taken to the Railway station of Karjat, and sold to the traders. People do not advance money to Kátkaris for bringing forest produce. Occasionaly they receive wages in advance for a day or so. If money is advanced to Kátkaris, the chances are that two-thirds of it will be recovered and one-third will be lost. I say this from my own experience. Kátkaris and Thákurs get employment in their own villages. There are about 110 houses of Kátkaris in the village of Gourkámath. In this tribe a man separates from his father as soon as he is married, and so it may be taken that there are two adults per house. The daily wages these people earn are:—Men, two seers of paddy and two annas cash; women, two seers of paddy and one anna and half in cash. If a Kátkari is employed as a monthly hand he receives one maund and a half of paddy (worth about Rs. 2 and 6 annas) and Rs. 2

in money. All the Kátkaris in my village find full employment for four months. Women are employed to transplant seedlings. They are paid one full meal and four seers of paddy for pulling out one *orke* of seedlings. An *orke* is twenty-four cubits long by six cubits wide of seed-bed. A very strong woman can pull out three *orkes* in a day. This work lasts about one month. At other times Kátkaris are employed at monthly wages; but it is difficult to get work out of them. The Kátkari employed at monthly wages has to be sent for every morning and waked by his employer. It sometimes happens that the Kátkari has received advances from two or three different persons. Each tries to secure his labour, and he frequently manages to give the slip to them all. If induced to come to work he does not turn up till 7 A.M. He leaves off from 11 till 3; after that he goes home as soon as the sun is set. In my village, as the number of Kunbis is not large enough to do all the field work, people have to employ the Kátkaris. If a Kátkari is kept to watch the crop at night he receives his evening meal instead of liquor, besides his wages. When liquor was cheap Kátkaris drank freely, and did more work. But now, as liquor is dear, they do not drink, but do less work. When liquor was cheap they bought as much as two maunds of liquor for a single marriage ceremony; but now they give jagri and dried cocoanut instead. Kátkaris do not save. They live from hand to mouth. They used to spend the savings of one day in drink, and return to work next day. Now if the savings will buy food for the next day, they stay at home till nothing is left. Thákurs are not so much addicted to liquor as the Kátkaris. They are more saving. They cultivate rice lands as sub-tenants, and also work as farm labourers. They are also more trustworthy than Kátkaris. Kolis and Mhárs do not find enough work for their maintenance. Their standard of living is about the same as that of the Kátkaris. I think they need similar forest privileges to secure their proper subsistence. The Koli population is distributed throughout the Karjat *táluka*. They are called Dongari Koli. If, however, the extended privileges are granted to them and the Mhárs, it will be necessary to impose restrictions on the export of forest produce. The restrictions that I propose are as follows:—Forest *nákedárs* should be stationed at all railway stations, as well as at all termini of roads leading out of the *táluka*. These officers should satisfy themselves that the forest produce is obtained from proper quarters before it is allowed to be exported. They should satisfy themselves whether the wood obtained from *málki* numbers is covered by a certificate countersigned by village officers. The owner of *málki* numbers should obtain permission from Government before cutting wood in their *málki* numbers, but they should not be put to any loss, either of time or money, to secure the permission. This permission is necessary to prevent smuggling from Government forests. But the owners of *málki* numbers should have full liberty to cut wood from their lands as they like. As people are afraid that Government may impose further restrictions on the cutting of trees in *málki* numbers, they have been cutting *mowra* and other fruit-trees. We often, in joke, say one to another: Who knows whether Government would not prohibit us to cut *máth* (a common pot-herb). If the cutting of wood were left to the option of owners of *málki* numbers, they would take care of their trees, and would cut only such of them as are necessary for their use. People are not so careless about their trees as they were about twenty years back. I know of instances of other people preserving trees as I have done. I have been asked by my neighbours what I should do if my conserved land were included in reserved forests. I reply: Even If I know that my house would be robbed to-morrow I would still keep my money under a double lock, and not throw it into the streets. I look upon my trees in the same light as I do on my money. If my conserved lands were to be included in reserved forests I should consider that I have been robbed.

17th December 1885.

I said before that the trees in *málki* numbers should not be allowed to be cut without Government permission in order to prevent smuggling of wood from Government forests. Another object is that Government officers may be able to check improvidence on the part of the ryots. Government need not give permission to cut all the trees in *málki* numbers if such permission were applied for. We do not cut down teak and blackwood in *málki* numbers because it is prohibited to cut them. But we look upon these trees as our property. I am not aware that there is a prohibition to cut other trees in *málki* numbers. Although there is a prohibition to cut teak and blackwood in *málki* numbers, it is not yet decided whether the trees belong to Government or to the owners of such numbers; because since the prohibitory order came into force neither Government nor the ryots have cut down these trees in my village. We think that Government will be pleased to give us, without payment, the reserved trees (teak and blackwood) standing in *málki* numbers: I mean to say by this that Government is all powerful, and if it does not give these trees to us there is no help. We are, therefore, to look upon Government as our *mábáp* or parents and ask from them the trees although they are ours. No permission should be required to be obtained for cutting wood in *málki* numbers for agricultural and domestic purposes. Before the rayats can be induced to assist in increasing and conserving the forest they will have to be allowed the same liberty that they formerly enjoyed in the matter of taking forest produce. If this be done I think the rayats will cordially assist in forest conservancy. But so long as this is not done any addition to the forest establishment, even to the extent of employing one man to look after each tree, will not mend matters. Similarly, even if the work be entrusted to village officers it will not be satisfactorily done; that is to say, if the

number of beat guards be reduced and the work of protecting the forests be entrusted to village officers, the people will be subjected to the same tyranny in respect of forests as they have been now. But if the rayats be allowed the same concessions that they enjoyed before, the number of beat guards can safely be reduced. This will lessen the expense, and the proper conservation of the forests will be secured. Following my example in preserving trees other monied people have begun to conserve trees in their estates. But it is not possible for poor people to do this, for they have not the means. In this *táluka* neither catechu manufacture nor charcoal burning is carried on.

By the Commission.

The condition of Thákurs and Kátkaris has not become worse since the enforcement of stricter conservancy after the introduction of the Forest Act. Their condition is the same as before. Since the increase in price of liquor the condition of Kátkaris has not been improved. For now that they cannot buy liquor, they can lay by from a day's earnings enough to maintain them in idleness the next day. As they now work one day and idle away the next day, their health suffers. In other *tálukás* of this district people have bought under Mr. Ellis' rules the teak and blackwood trees in their *málki* numbers. I know that teak and blackwood were reserved both before and at the time of Survey Settlement. As however I pay the assessment on my *málki* numbers in which the trees are standing, I hope Government will be pleased to give me gratis the wood of those trees. I say that Mr. Ellis' rules should not be applied to this *tátuka* and the teak and blackwood trees should be given us gratis without demanding from us the price thereof. The teak and blackwood trees belong to us, but now they have been taken away by Government by force and we beg of Government to restore them to us. Government first prohibited the cutting of teak about forty years ago. There was no prohibition before that to cut teak trees. I remember that when I was a boy my father used to cut teak branches and used them for fences. I have no documentary evidence about this.

In my statement on the first day I said that there should be no prohibition by Government officers as to cutting wood in *málki* numbers for sale; but on re-consideration I think that it would be well if Government officers had the power to prevent reckless cutting and destruction of trees by any one through improvidence and that they should grant the permission to cut trees only when they are satisfied that no such destruction is contemplated. About twenty years back Mr. Lloyd first selected lands for forest and if Government only preserved the forests then demarcated it would be enough. In these forests Government should reserve all big trees yielding timber and sell the timber obtained from them to the people. The wood required for the huts of Thákurs, Várlis and Kunbis and for platforms required to be made by us (Pándharpeshás) and for the ordinary repairs of houses or the Pándharpeshás should be supplied from small trees and brushwood in these forests. The wood of other than teak and blackwood trees which is not obtainable elsewhere should be allowed to be taken from these forests. There should also be permission to graze cattle in these forests. I have seen the forest preserved by Mr. Lloyd at Dhák. It contains all kinds of trees.

WITNESS No. 4—(KARJAT *Táluka*).

16th December 1885.

COLONEL GODFREY, SUPERINTENDENT, REVENUE SURVEY, Thána and Ratnágiri, stated in reply to questions

By the Forest Commission,

I had no connection with the original survey of this *táluka* (Karjat). It is true that there was no measurement of *varkas* at the original survey. I believe that the whole of this area was at the disposal of the people for cultivation and *ráb* purposes, except such parts as may have been reserved previously for forests. Whether any area had been reserved or not I cannot say without reference to records. The villagers of villages in which this *varkas* was situated and of villages round about in the vicinity used the area for these purposes. I do not think that *táluka* boundaries prevented the villagers of one *táluka* going for *ráb* outside the *táluka*. The people went to the nearest *ráb* land. The *varkas* was not then assessed. But an extra assessment was put on the rice land to cover the assessment of the *varkas*, *i.e.*, to cover the value of the usufruct of the *varkas*. I cannot say whether this charge on rice was calculated to cover the former receipt on *varkas* cultivation. Formerly people only paid for the extent of *varkas* actually cultivated.

Having read para. 20 of Colonel Francis' Report No. 32, dated 18th January 1855 (page 9, Printed Selections), I believe that the extra assessment was calculated on the principles therein stated, *i.e.*, on the average collection of *varkas* cultivation.

There was nothing to prevent any cultivator from extending his *varkas* cultivation to any extent. If any cultivator paid Rs. 3-12-0 or more on his rice he paid nothing for *varkas* cultivation and usufruct. If his assessment was less he had to pay for actual area cultivated.

Cultivation by non-residents was not permitted—it was not customary. Non-residents however collected *rán* without restriction according to custom. All land not rice and garden and *rabi* (which is very limited) is *varkas.*

Q.—Do you consider that any subsequent demarcation of land for forests was inconsistent with the principles on which the *varkas* land was settled by the survey in the Karjat *táluka?*

A.—Yes. It is optional with Government to give any orders they choose. But such demarcation would naturally so far infringe on the previous customary *vahivát* enjoyed by the people.

Varkas allotment.

I believe the measurers were instructed to break up the *varkas* according to actual *vahivát,* or user and to enter the land accordingly in the name of the *vahivátdár.* In cases where several persons had usufruct in any land it was customary to enter all such land in the names of the usufructuaries as one member. I believe that some fresh demarcation had been made previous to the *varkas* allotment. If such demarcation had been made, and if in it land burdened by such usufruct existed that land would not have been touched by the measurers. They were directed not in any way to touch forest lands. There were some villages in which the *varkas* allotment was not made. This was because the demarcation was in them objected to by the people, and so the allotment was deferred till the settlement of the dispute should be made. This demarcation, which was objected to, was made by Mr. N. B. Ok of the Forest Department.

When Mr. Gibson gave out the settlement he informed the people that in the disputed villages they should enjoy their customary usufruct in the land which was not allotted, till the dispute could be settled. This of course conceded them the right to usufruct according to custom in lands demarcated by Mr. Ok.

Gurcharan.

When the *varkas* was measured and the *varkas* settlement given out, land was set apart for *gurcharan* in most villages. The register entry in some cases was simply "*gurcharan.*" In the register of Bhadval, *táluka* Karjat, the entry was "Survey numbers * * * are wholly set apart for grazing." In these whatever usufruct, as regards cutting *shindád,* &c., has been customarily enjoyed is hereby confirmed. Whether the simple entry "*gurcharan*" was ever made in the Karjat *táluka* I cannot say without reference to the village papers. I am speaking generally of the survey custom. The survey put no restriction to cutting *rán* as having no control over areas taken up as forest anywhere. I do not consider that the measuring of a man's *shindád* land—*varkas*—precluded his exercising any usufruct he previously had in *gurcharan.* This would not include the right to cultivate *gurcharan.* Just as there was a previous self-allotment, which the Survey defined, in certain lands for *rán,* &c., so there was an allotment by the people themselves of *gurcharan* where cultivation was not allowed. This allotment of *gurcharan* was also defined. If there was no land self-allotted as *gurcharan* in any village there was no possibility of their giving out *gurcharan,* as there was no waste land available.

Trees.

I am informed that excluding teak, blackwood, in all thirteen kinds of trees conserved by Dr. Gibson, the people had all rights over trees in *málki* land. The *varkas* was not then demarcated. These same prohibitions were extended to the *varkas* land, when it had been allotted. Neither at the original survey nor at the *varkas* settlement were any *jangalkhardás* prepared showing the number of trees in each number. At present the matter of rules, &c., as to trees in occupied lands to be made in the Revision Survey has not yet been considered.

The difficulty or otherwise in procuring *rán* has hitherto not been taken into account in fixing the assessment, and I do not think that to do so would be feasible, as it would entail inquiries into each case. Still I think, in view of the importance of *rán* to rice cultivation, if it were possible it would be well to allow for it. In fact theoretically though an important factor, in practice it cannot be taken into consideration in the absence of data. As a rule in forest villages rice lands are assessed at a lower rate than in those more accessible to roads and markets; the inaccessibility of those villages more than counterbalances any advantages they may derive from a plentiful *rán* supply. In my opinion as a general rule three acres of *varkas* are necessary[1] to one of rice. This will give an occupant enough to collect grass and *táhál* for rice *rán* and moreover he might cultivate up to half an acre under *nágli,* &c.. In the Revision Survey it has come before me that cases have occurred of the sale of rice without its attached *varkas*; but I can give no idea of the extent to which this has been done. In my opinion it would be a good

[1] To prevent any misconception about his opinion, as to the proportion of *varkas* to rice land, Col. Godfrey on the day after his examination wrote to the Chairman, Forest Commission: I wish to explain that when I said three acres of *varkas rán* land was "necessary" to each one acre of rice, I did not mean necessary that the cultivator would not do without it, but I meant that I considered an appendage of so much *varkas* to each acre of rice is necessary to enable the cultivator to make the most he can of his rice land.

plan to forbid by change in the Land Revenue Code Rules the sale of rice land without its attached *varkas*, provided a proportional allotment of *varkas* to rice were first made. Even though the proportion mentioned above, *viz.*, three to one be not available, still I think the plan would be a good one, the proportional allotment being the best possible.

Nángarbandi villages.[1]

In *Nángarbandi* villages no *varkas* allotments were made in 1874-75; assessment was paid simply on the plough (in *varkas*,) at Re. 1-8 per plough; for this the cultivator cultivated as much as he liked anywhere in the *varkas* area of the village, rice land being separately assessed. A good deal of the old *varkas* has been converted into rice land since the Survey —principally *pot varkas*.

In Sálsette I know a case in which outsiders graze their cattle in a village *gurcharan*, and I have known similar cases elsewhere. No Survey officer has any authority to issue orders in contravention of those of Government, consequently supposing Mr. Ellis' rules were in force it would not have been competent for Mr. Gibson to modify them at the *varkas* settlement without Government authority or without reference to the Survey Commissioner. I am not aware of any complaints by individuals of the *shindád* lands having been included in *gurcharan*. No one could cultivate in land allotted for *gurcharan* in 1874-75.

Replies to questions suggested by the Secretary, Thána Forest Association,

Non-agricultural cattle of agricultural holders only very indirectly affect the assessment as showing the prosperity or otherwise of the district.

Witness No. 5—(Karjat *Táluka*).

18th December 1885.

Shiváji Pá'ndojira'v More, a Marátha, cultivator, aged 47, residing at Borgaon Khurd, stated in reply to questions

By the Secretary, Thána Forest Association.

I have eighteen acres of *kharíf*, some in my own name and some in that of my brother, all in one village, Borgaon Khurd. I have also *mál* or flat *varkas* and *shindád*; of this about twelve acres have been measured and allotted. There is other *varkas*, both *khap*[2] and *shindád*, the usufruct of which is mine, but which was included by Mr. Náráyan Ok in the forest limits. Similar land belonging to others was similarly included. In my allotted *varkas* there are teak, *ain*, *nána*, *bonda* and other trees in all about 200 or 300, large and small. I cultivate only a small portion of this land and that not regularly. Some must be kept for grass and some for production of *ráb* material. I do not produce sufficient *ráb* for my land. I get enough for four or five acres of my rice land. I fetch the *ráb* for the rest from my *shindád* demarcated by Mr. Ok. I can point out the boundaries of this *shindád* land. If required I can name the boundaries now. My usufruct has not been interfered with, but about two years ago I was warned by the Forest subordinates not to cut *ráb* from *ain* and the other reserved trees. Last year the *táhál* collected by rayats from similarly included *shindád* land was attached by the Forest Department. The *táhál* was restored when the fees demanded were paid. When we were warned not to lop the reserved trees, we were told that twenty-eight kinds were reserved. I could not enumerate more than about sixteen. These included the trees chiefly used for *ráb*, in fact the *ráb* supply could not be secured from unreserved kinds.

In Borgaon there are seventy or seventy-one acres of *kharíf* or rice land and about 103 of allotted *varkas*, which is fairly covered with tree-growth. Others cultivate a larger proportion of their *varkas* than I do. In fact most of it is cultivated. The cultivation is made without detriment to the tree-growth. Practically all the *shindád* included by Mr. Ok is similarly cultivated. I put in an order (*vide* exhibit No. I) signed by the *mámlatdár* dated 19th June 1877, directing that in lands included in the village forests about which there is a dispute, the people may cultivate as before till the forest boundary is defined and that no allotment of *varkas*, will be made till the boundaries are so defined. This order was passed on the petition of a rayat of Sálokh. This order does not refer to our village. But our villagers received a similar order. It was burnt when my house was burnt last year. When we were warned not to lop for *ráb* in these lands, we were also told not to cultivate, except on the flat portions. The Thákurs and other villagers cultivate the included *varkas*. The Thákurs have to pay assessment on the area they cultivate, but not the rayats of the village. The Thákurs pay 12 annas per *kudal* or hoe and Rs. 2 per plough, besides the local fund additional cess.

---

[1] Under the *nángarbandi* or plough tenure system rice lands were measured, classified, and allotted, while the upland of the village was left in one large number, and the assessment levied at a varying rate for each plough.

[2] *Khap* is a plot of *varkas* land almost covered with rough grass which is generally burnt as a top-layer of *ráb*.

Almost all the Thákurs cultivate by hand only; ploughs would not work in lands covered with trees and stones. There are two kinds of *dalhi, viz., dalhi* proper where larger shrubs (the large trees being left) are cut, spread and burned and *dábdi* where small scrub is felled, spread and burned. Large trees of poor kinds, *umbar,* Ficus glomerata; *kákad,* Garuga pinnata; *palas,* Butea frondosa; *shembat,* Odina woodier, &c., are felled for *dalhi*; but trees of good kinds even if small are untouched. In the first year *nágli,* Eleusine coracana is grown. Next year *vari,* Panicum miliare and *tur,* Cajanus indicus are sown without *dalhi* or *ráb.* The third year *tur* follows *vari or vari tur* of the previous year without *dalhi* or *ráb.* Thus from one year's *dalhi* crops are secured for three years. A fallow must then be given for from six to eight years. The fallow brings back a tree-growth stronger than that before the *dalhi* felling. In stony and poor land *dábdi* replaces *dalhi.* The Kunbis do not *dalhi* but sometimes cultivate by *dábdi.* I know a good deal about Thákurs, because my family had much to do in laying out Mátherán.

The Thákurs collect wild vegetables for consumption and sale. They used to collect wood *kárvi,* fruits, roots and leaves of wild plantains. Now they are prohibited from collecting honey, *shikekái* or soap-pods and myrobolans and not *apta,* Bauhinia racemosa and *tembhurni,* Diospyros melanoxylon leaves; but they still collect these things for contractors with the Forest Department. There is a little *hirda* and *shikekái.* The Thákurs do very little field work for the Kunbis. There are no Kátkaris in our immediate neighbourhood, but there are ten or twelve houses of Dhangars in Sondevádi and Borgaon. The *pátilki vatan* of the former village is in my family.

There is no *gurcharan* in either village. The cattle of the rayats and Dhangars graze in the *varkas* demarcated by Mr. Ok, and in the forest above it.

The grazing in the latter was for some years sold by auction. Then till two years ago the right to cut and take the grass only was sold. Now the grazing is auctioned as before. The sale proceeds are about Rs. 13 for Borgaon and Rs. 9 for Sondevádi. Formerly the grazing only fetched Rs. 4 and Re. 1 respectively. I have been the purchaser for five years or so. I fix a rough charge on the grazing and make my terms with the other rayats. Sometimes I get a little profit and sometimes I do not. The village would not have sufficient grazing without the help of the forests. Even with this help some of our cattle have sometimes to go to Vadvihir close by where there is good grass. We have enjoyed this grazing free from time immemorial. This grazing land is allotted *varkas,* not *gurcharan.* The *gurcharan* of Vadvihir is distant. We are not permitted to graze from *Shrávan* or August to *A'shwin* or October in Vadvihir. The villagers of Vadvihir have no forest and come to our village for *táhál,* firewood and wood for agricultural purposes. About twenty-five villages come to our village for these things.

Thákurs and Kunbis prefer *varkas* grains. About two years ago the *nágli* crop failed and they got wheat cheaper even than *varkas* grains. They suffered much, and the mortality was great from cholera in consequence.

The Thákurs and Dhangars were turned out of their hamlets about seventeen or eighteen years ago. Money was given to them to remove their huts. They were moved with much difficulty. Mr. Sinclair brought them back about five years afterwards. They came back to me with tales of loss of cattle and of their own numbers. They asked me to help them. After this they petitioned Mr. Sinclair. Fifteen families were removed. Only seven or eight came back without any cattle. The rest settled down elsewhere. Some died. About two years ago there was some talk about removing them again from the forests, but Mr. Sinclair's order saved them.

Last year about eight houses were burned down in our village. I enquired at Khálápur and at Thána whether it would be worth while to petition for free-grants of wood. We were told that perhaps consideration would be made on the report of the *talátí.* But nothing was done. We have built small huts. We used the wood of cattle-shed and what we were given by our neighbours. Some we got at the Government depôts. I bought six teak logs. An anonymous petition was sent in that I had got the logs from Government forests. The forest officials threatened me. An infringement of the rules was also charged, *viz.,* that I had exceeded the limits fixed at the depôts. By the rules one man is allowed to purchase at the special rate of the depôts not more than Rs. 10 worth of wood. It was supposed that I had got others to purchase for me and so got more than I should have. Nothing further came of it. We are everywhere greatly oppressed by the forest subordinates. One guard, for four months last year, used to threaten women bringing cow-dung cakes or firewood, throw down their baskets, and say that they had stolen this and that. Finally, this man was convicted of taking a bribe from a Thákur and a Dhangar. This man is like all the rest. There are complaints and grievances of the same kind from all parts of the *táluka.* I hear other villages describe similar oppression everywhere in the *táluka.*

The forests must be conserved. It will be a great relief and benefit to the people if *vatandár* or hereditary *pátils* and Mhárs are made the forest subordinates. They will have greater responsibility, but it will be a relief to the people. They will be better subordinates and work better, if they are remunerated duly.

None of our villagers has ever sold wood to traders out of our *málki* numbers. If we receive assurance from Government that we may use the trees of our *málki* numbers for domestic and agricultural purposes without let or hinderance, it will be an inducement to us to increase the tree-growth therein. Now, practically there are two reserved trees growing in *málki* numbers, *viz.*, teak and *ain*. The other kinds of reserved trees are so few that the restrictions do not affect us much.

By the Commission.

Ain, Terminalia tomentosa; *nána*, Lagerstrœmia lanceolata: *bonda*, Lagerstœmia paniculata, *hedu*, Adina cordifolia; *kalam*, Nanclea parvifolia; and *dhávda*, Anogeissus latifolia are the chief and best *rább* trees. I do not know that Government have lately given permission to lop *ain*, *nána*, *bonda*, and *dhávda* for *rább* in Protected Forests. The *taláti* may have received information to that effect. The *táhál* was attached in January last, about, and fees were exacted. The Thákurs who were removed were allotted land for new habitations and for cultivation, but they did not approve of the allotment and refused it. They had no water conveniences.

We should approve of the restrictions being removed from the *málki* trees under the condition that the trees should not be sold. We would approve of this condition.

I would not say whether the villagers made a collection to bribe the forest guard whom I have described in order to stop the tyranny he practised. I would not say whether I subscribed towards such a bribe. Such annoyance is not confined to the guards. It goes much higher. We do our best to mitigate the tyranny, but I will not describe how we act. The guards demand fowls. If we refuse we are threatened with accusations for forest offences. Sometimes they demand cash. They feed free as a matter of course and sumptuously. Government have not sold to traders trees of the reserved kinds from our *málki* numbers.

In grazing of Government forests, taken in auction by me, I do not fix any charge on the number of cattle, but roughly. I take no larger fees from Dhangars than from others. If outside villagers come I take 4 *as.* per head for the four months of the season. But none comes. I never pound cattle for which fees have not been paid. I warn the owners they should not come again. In Sondevádi there are about 150 head, and in Borgaon about 350 head of cattle. The cattle eat the tender leaves as well as grass. From March to June there is no grass and the cattle then feed on the leaves. The village officers are now responsible for assisting the forest guards, but are not responsible to report their delinquencies. The men who were made to give the bribe reported the forest guard mentioned above. I have not reported any one, because I had no occasion to do so. I would not complain against a guard who merely demanded his meals and money. But this man did more. He made these exactions, and still did not desist from threats. We cannot afford to quarrel with the guards. If we did we could not get our wants supplied; and we fear retaliation. By wants, I do not mean illicit wants. I have never officiated as *pátil*.

Dalhi has not been permitted for fifteen or sixteen years. In *dábdi* cultivation the seedlings are raised in a seed-bed and transplanted out. It is really the same as *rább*. The reason why Thákurs have to pay assessment on cultivation in forest, is because they have no *kharíf* in their names.

I cannot say positively whether any contract has been given for *hirda* and *shikekái* for two years. There are perhaps 1,000 acres of land available for grazing. Some of this is sheet rock. Some is covered with trees and stones. The grazing is not sufficient.

In Másgaon and other villages houses were burnt and free grants of wood were made to the owners. I knew this but I did not apply for a similar grant. I once before received Rs. 300 *tagái* or agricultural advance myself and 300 logs free. The *Chitnis* told me I had no chance and so I did not apply. I still hope to get a grant. I have not yet built my house.

I once had the offer of purchasing the teak on my land but I refused to buy it. There are thirteen kinds of trees reserved in *málki* numbers. Of these are[1] *ain*, *koshimb*, *ásána*, *áshi*, *nána*, *bonda*, teak, blackwood, *chandan*, *dhávda*, *khair* and *tivas*. I cannot remember the rest. *Shivan* is also a prohibited tree, and *bibla*. Subordinates of the Police, Vaccination, Revenue, and A'bkári Departments come to our village. They do not oppress us. If they ask for their food we give it; but if they do not we do not. The difference is that the forest guards have the power to interfere with our daily wants—firewood, leaves, &c. We have the right to *rább* and free-grazing in the land demarcated by Mr. Ok. We never had any land set apart for *gurcharan*, as far as I can remember. The *vatandár pátils* will take service under the Forest Department, and the other *vatandárs* will not object through fear that the *vatan* may be lost through the misdeeds of the appointed member. I would take office under the Forest Department in this way, and I would not object if my brother did.

1 The scientific names of the reserved trees are: Terminalia tomentosa, Schleichera trijuga, Briedalia retusa, Morinda citrifolia, Lagerstrœmia lanceolata, Lagerstrœmia paniculata, Tectona grandis, Dalbergia latifolia, Santalus album, Anogeissus latifolia, Acacia catechu, Ougeinia dalbergioides, Genclina arborea, and Pterocarpus marsupium.

In the auction sale none but our villagers bid. If the *vatandâr* forest *pátil* were appointed, forest fires would be less, and there would be more assistance secured in extinguishing fires. The fires would be less because of the moral influence of the *vatandár*, which would make people more careful.

20th December 1885.

Special statement made by the witness before Mr. Ozanne on 20th December and read to the Commission the following day:—

Cow-dung *ráb* shows greater superiority over *táhál ráb* in *náchni* than in rice cultivation. It pays better, therefore, to use the cow-dung for the *varkas*. As a fact this is not the practice with all. The Pándherpeshás pay more attention to the rice-land and make the best provision for it possible before they think of the *varkas*. The Kunbis, on the other hand, in order to secure as large a crop as possible of their staple grain *náchni*, take full advantage of the admitted superiority of cow-dung *ráb* for *varkas*. I admit that it is possible to grow rice without *ráb*, but the *varkas náchni* cannot be raised without it. One substitute, *ute*, *i. e.*, the sowing of sprouted seed on naturally or artificially manured land will give as much as three-fourths the yield of an ordinarily *rábed* field. But the substitute is not to be relied upon. Its success absolutely demands very timely sowing rain, as well as land, close to the village enriched by village drainings and the like, or land otherwise manured. *Ute* cultivation of *náchni* is impossible, and it is only a last resort even in the case of rice. For instance (1) when the seedlings raised in *rábed* seed-beds have been swamped by excessive rain, and (2) when the *rábed* seedlings fall short. To show how risky this cultivation is I can give personal and recent experience. Last year my brother had a plot of rice sown with sprouted seed, close by a plot planted with *rábed* seedlings. Heavy rain flooded the land. In spite of our efforts both plots were swamped. The seedlings in the latter revived and gave a fair crop, but there was no sign of recovery in the former. If this substitute were worthy of reliance it would be largely practised. It is easy and cheap. It avoids the long, wearisome and laborious preparation of the *rábed* seed-bed. No ryot would be such a fool as to take all this trouble to grow his seedlings with *ráb* if he could get any thing like the result from *ute*.

Before the railway was made, large numbers of sheep came by road from the above Ghát districts to the Bombay markets. Now the sheep go by rail. Sheep do not thrive in the Konkan and are kept in very small numbers. I can remember the time when the cultivators took advantage of the sheep to fold them on the rice fields. We used to pay six *adholis* of rice (worth then eight to ten annas) per day per 100 sheep. If a shepherd could be induced to leave his flock five days, which we considered the time required to give a field a full supply of manure, we used to pay willingly the daily rate for six days, though the sheep remained only five. Both the seed-bed and the outside area were thus manured, but we always *rábed* the seed-bed besides in the usual way. This could not be dispensed with unless as occasionally *ute* was resorted to, because *ráb* in most lands is required to prevent weeds. Except in shallow land where weeds do not grow, land not *rábed* is covered yearly with a rank vegetation which weakens and often chokes the seedlings. The rice, which grows from seed shed at the time of the reaping of the crops of the previous year is called *lámba*. *Lámba* rice is practically a weed. The seed produced is reddish and can easily be noticed after the rice is husked. *Lámba* seedlings do not thrive nearly as well as ordinary transplanted seedlings. The *bania* or dealer would pay less for rice mixed with *lámba* grown grains. A good rayat can at transplantation time distinguish the *lámba* from other seedlings. They are almost always separated and either thrown away or kept to fill up corners in case the regular seedlings fall short. They are thus reaped separately. In this district *náchni* is not, as far as I know, ever planted out with a small amount of dried fish manure in each hole made. The seedlings are thrown down on the prepared field and not planted in a hole made by the planter as rice seedlings are. Sometimes, however, the *náchni* crop is top-dressed with fresh cow-dung thrown over the field by hand, about a week after transplantation. Sometimes also the area not occupied by seed-bed is manured with cow-dung put on before the *ukhalni* or first ploughing, which takes place as soon as the rain softens the ground, and ploughed in at the *ukhalni*. As regards the proportion of cattle droppings available for *ráb*, it may be said that the droppings of April and May are all saved up for making cow-dung cakes for various uses during the heavy rainy season. By this time all the seed-beds are ready, and have been fired. It would be risky to delay their preparation, because the early showers before the monsoon rains set in would prevent proper burning. During the rainy season, the droppings are by good cultivators carefully put day by day into a pit, at the bottom of which rice husks are filled about one foot deep to prevent the cow-dung from becoming mixed with the earth. As the food of the cattle is daily given fresh, whatever is then found unconsumed is thrown under their feet. Next day this is all put into the manure pit. It is saturated with urine, and before it is put into the pit as much of the urine, as can be collected is mopped up with it. However, the greater part of

the urine is not secured. It runs away and is lost. Some throw the ashes and house-refuse into the pit, but not all. These diminish the value of the pit manure or *shenkhaliche shen* as it is called. The pit is called *shenkhal.* Other rayats do not preserve the monsoon droppings in the above way, but throw them daily outside in a heap. Though the pits are not covered, the manure preserved in them is very much better than that heaped outside, for that gets mixed with earth and would not burn on the seed-bed. This stuff is called *khároti,* which name is also given to the damaged earth-mixed portions of a pit manure. Pit manure is used as the bottom layer of *táhál ráb.* It is then spread very thinly as it does not burn well. By its use less *táhál* is required than if the whole of the *ráb* was *táhál ráb. Khároti,* on the other hand, is only useful as one of the upper layers of *shen* or *táhál ráb.* It is put over the grass layer either mixed or unmixed with light earth to make the combustion slow. Not all the droppings of the fair season up till April are available for *ráb.* In every village the day on which the collection both of *shen* and *táhál* shall begin is a fixed day. The villagers perform a ceremony at one of the temples on the fixed day. Up till that time no one is permitted to collect one stick of *táhál* or any of the cattle-dung. Sometimes when the threshing work is done early or when from some other reason the villagers want to begin the *shen* and *táhál* collection earlier than the proper day which is generally in December, a cocoanut is offered to the goddess by them all together, and her leave is thus secured to begin the collection before the usual day. No one villager is allowed to forestall the others by offering a cocoanut alone. I do not know the reason why this day is fixed. But the reasons suggested appear to me to be fair and probable, *viz* :—

(1) That up till that time the villagers are mostly busy, and if those not busy were allowed to collect, they would get much more than their fair share.

(2) And that up till that time the dung dropped in the fields, *i.e.,* the rice fields, is more useful to enrich them.

We do keep our cattle up till about this time day and night in the rice fields—not all but some of us. Dung dropped in the interval in the rice fields cannot be collected after the general collection begins. It has by that time crumbled away and decomposed. But on the other hand dung dropped in the *varkas* and other dry land is carefully collected, each man in his own field, for the *ráb* plots. Though the owner of the field has the right to the droppings there, practically the collector appropriates what he collects. I consider that all the droppings of cattle during the fair season are practically available for *ráb.* When the cattle in jungle graze here and there, of course very much is not secured. I would estimate that enough *shen* is secured by some one or other for *ráb* purposes from each pair of cattle to make from one to two seed-beds. By seed-bed I mean a plot thirty *háts* square (*i.e.,* nearly two *gunthás*). Many seed-beds are much less in area, and are roughly called seed-beds. But strictly speaking these would be called half seed-beds or one-fourth seed-beds as the case may be in the best *kharíf* land ; two full seed-beds are required per acre of rice, three in middling land and four in poor land. Leaves are not much used. In *náchni* land, sometimes, small leafy twigs and branches are buried with the stubbles of the *náchni* and ploughed into the land after they have decomposed. Again, when a man finds that he cannot get grass for the upper layers of *shen* and *táhál ráb,* he collects leaves as a substitute.

21st December 1885.

I have taken the auction of the grazing for five years. What the Dhangar says is true, that is, they only graze when the grass is green. I get the grazing for five months. I do not object to their keeping their cattle longer in the area allotted by me to them.

In Borgaon there are only twelve houses of Dhangars. They have about 150 head of cattle. There were about 400 head.

The difficulty is after the contractor's period has expired. There is no grazing after his, but there are the leaves on which the hill cattle feed. The chief reason why the cattle have decreased is because they do not get the leaves.

WITNESS NO. 6—(KARJAT *Táluka*).

19th December 1885.

Ráo Sáheb BHA'U RA'MCHANDRA, a Parbhu, Mámlatdár of Karjat, aged 49, stated in his examination

By the Commission,

My service is twenty-nine years. I have been *mámlatdár* nine years, of which I have served five years at Karjat. I served also in that *táluka* as *taláti* and *kárkun* for six years.

There are 288 villages of which 267 are *khálsa* or Government, seven *izáfat* or special service tenure and thirteen *inám* or rent-free and Mátherán makes up the number. The *táluka* was formerly called Nasrápur. Five villages were transferred to Pen in Kolába. The Khálápur *peta* Survey was introduced in 1854-55 and in the rest of the *táluka* in 1855-56. The *varkas* settlement in the *peta* was made in 1874-75 and in the *táluka* proper in 1875-76.

There were twenty-three *Nágarbandi* villages (two in the *peta*) left by the Survey. There the assessment was fixed on the plough. Rs. 1½ per plough in the *táluka* and Rs. 2 in the *peta*. In other villages all occupants paying assessment of Rs. 3-12 and over, paid nothing for *varkas* cultivation. Others were charged according to a fixed scale. Non-occupants paid a plough-tax for *varkas* cultivation Rs. 1½ or a *kudal* tax of 12 annas. Kátkaris are allowed to cultivate 20 *gunthás* free of assessment. Pándherpeshás used to have specially reduced rates which were confirmed by the Survey, *viz.*, Re. 1 per acre only on the actual area of *varkas* cultivation. In Humgaon they are allowed *varkas* cultivation free. Every cultivator had a portion of *varkas* which he enjoyed the usufruct of; even those who had no rice land had the usufruct of a certain portion of the *varkas*. All the *varkas* was thus apportioned, except hilly parts where the plough could not work. This was cultivated by *dalhi* by hand by Thákurs. The *varkas* at the survey was not measured off into numbers. When it was afterwards proposed to measure it off, the people objected on account of the cost. It was finally arranged to measure it free of cost. These terms were accepted. The *varkas pahání* was made in all but the *Nágarbandi* villages. All the land, not *kharíf* which was pointed out by the people as being in their usufruct for *shindád, khap,* &c., was demarcated into individual holdings. But the year before Messrs. Frost and N. B. Ok having demarcated certain lands for forests, the *varkas* allotments were not made in the area so demarcated. Where usufruct was claimed by several individuals in the same area all their names were collectively entered.

In Khálápur *peta* some names were entered as having an usufructuary right over some of the lands included by Messrs. Frost and Ok in village forest.

In certain villages claims were made that their lands had been included by Mr. Ok in village forest. It was ruled that they should enjoy the usufruct in them till the forest limit were duly defined. Copy of order put in—(*vide* Exhibit No. 2). Rules were given by Colonel Francis that the owner of the land is owner of trees as directed in Rule 10, Joint Rules, with the exception of teak, *ain*, blackwood and the other kinds of trees conserved by Dr. Gibson. Copy put in—(*vide* Exhibit) No. 3.

At the time of *varkas pahání* at the *jamábandi* or rent settlement succeeding, this rule was made applicable to the *varkas* then allotted. Copy put in—(*vide* Exhibit No. 4). The order given by Dr. Gibson, No. 50, dated 20th June 1855, about trees cannot be found either in the *peta* or *táluka* offices.

The trees reserved by Dr. Gibson, thirteen in number were teak[1], blackwood, *ain, khair, hed, kalam, ásána, nána, bibla, kinjal, jámb, shivan,* and *dhávda.*

In 1882, Gangádhar Bháskar cut a *mowra* tree down. I was asked which the thirteen trees reserved were. Reference was made to the Conservator of Forests, Northern Circle, who detailed these. Copy put in—(*vide* Exhibit No. 5).

I can find no record in the *táluka* office of any previous intimation as to what the thirteen kinds were, or any intimation to the villagers, specifying by name the reserved kinds of trees.

In 1859, however, an order from the *peta mahálkari* to village officers is found which directed what the thirteen trees were. This but differs from that I gave. *Tivas* and *koshimb* are substituted for *kinjal* and *jámb*. Copy put in—(*vide* Exhibit No. 6).

The Forest Department has felled teak in the *táluka* in *málki* numbers since 1880-81. I learn, moreover, from several *pátils* that in 1871-72 and the following year, other trees of the reserved kinds (especially *dhávda*) were felled by contractors of the Forest Department in lands not measured off, but in the usufruct of various rayats. The rayats objected, but were over-ruled. Still further cuttings have not been made.

Before the order of 1882 which cleared up the names of reserved trees, I supposed and so did every rayat that all kinds of trees were reserved in *málki* numbers. By all kinds I mean all timber trees. When the order of 1882 became public, people found out that mango and other fruit trees were not included in the reserved list and they began to fell them freely. Thousands of mango, *mowra* and tamarind trees have been felled, chiefly *mowrás.*

I know what are called Ellis' Rules. The rules were sent in January 1863-64 for information; subsequently orders were from time to time received regarding the action to be taken under one or other of the rules. Only two men, one in the *peta* and one in the *táluka,*

[1] The scientific names of the reserved trees are: Tectona grandis, Dalbergia latifolia, Terminalia tomentosa, Acacia catechu, Adina cordifolia, Nauclea parvifolia, Briedalia retusa, Lagerstrœmia lanceolata, Pterocarpus marsupium, Terminalia paniculata, Xylia dolabriformis, Gmelina arborea, and Anogeissus latifolia.

took advantage of a permission to purchase the teak trees in their *málki* numbers. But this permission was revoked about 1872 before others could take advantage of it. The revocation was caused by what are known as the "Kalyán frauds."

There are no other orders on the record modifying the Survey Settlement of the trees; many others would have accepted the terms of Ellis' Rules, but before effect could be given, the revocation came. Many even had brought their money, but the order of revocation received by telegram necessitated it being returned.

I know all about the Pendse case. I think that this ruling applies to the trees in other occupied *varkas* in the *táluka*, in fact to all cases which are on all fours with the Pendse case. It does not apply to unallotted *varkas*.

I think that the right of Government to trees in occupied land should be sold to the people under the Ellis' Rules, if a proper price can be obtained, but the condition should be imposed that the wood should not be cut for trade. The trees should only be felled for domestic and agricultural purposes.

The acreage of the *táluka* is 212,247 acres. Of this 22,019 acres are old forest and 26,573 acres village forest, demarcated by Mr. Ok. The rice land measures 31,475 acres, and dry-crop, *varkas* and *rabi* 44,780 acres in non-*nágarbandi* villages and 57,337 in the twenty-three *nágarbandi* villages. According to *Táluka* Form No. 34 for last year there are 4,659 acres under *nágli*, 2,721 acres under *vari* and 99 acres under *tur*. In the supplementary *varkas* allotment out of village forests, *i. e.* Protected forest made lately by Mr. Lawrence in 44 villages to 637 rayats, 2,182 acres have been allotted. I did the work of allotting the lands.

I do not think the area with this addition will suffice for the cultivation of rice and hill grains in the *táluka*, because the land is unequally distributed.

Some rich *sutidárs* have a great deal more *varkas* than they require, and so the poorer rayats have too little. Even if all the forest is allotted, I do not think the people will all have sufficient *varkas*. There will remain, therefore, the very poor rayats who have no *varkas* and for whom provision will have to be made. In the forty-four villages, however, even these have, as far as possible, been provided for and no complaint has been left unsettled. There will not even be any necessity for giving them privileges for *táhál* and grass for *ráb* in the Government forests. Mr. Lawrence's enquiry was very thorough. Except for Thákur cultivations Mr. Lawrence has not marked off from protected forest any area for future allotment as occasion may arise. I do not know the area allotted for Thákurs.

Poor rayats have no usufruct in the *málki* numbers of the rich except it be surreptitious. In the areas allotted by Mr. Lawrence, there is no such thing as land in which there was a communal *vahivát*, entered in the name now of individuals to the exclusion of others. Mr. Lawrence did not listen to claims of usufruct made by rayats who already had two acres or more of *varkas* to one of rice land. He took the village papers and only called those of the petitioners whose *khátás* or accounts showed less than two acres of *varkas* to one of rice.

The first forest demarcation was made by Captain Lloyd of the Survey Department in fifty-two villages in 1866-67. He demarcated 18,410 acres. Cairns were erected. In Neral a strip of land twelve cubits wide was made besides to define the forest. The survey records and the village records have been corrected accordingly. The people have never raised any complaint against this demarcation even till the present day.

The second demarcation was made in 1872-73 in 100 villages by Messrs. Frost and Ok. They marked off 3,609 acres as reserved forest (first class reserve) in thirty-nine villages and 26,573 acres as village forest (second class reserve) in sixty-one villages. Complaints did arise that land in the usufruct of individuals had been included. The decision was that they should be allowed to enjoy the usufruct as before paying for rice and *varkas* cultivation according to the rates till a settlement should be made. Copy of order put in (*vide* Exhibit No. 7.)

In the forest of 1866-67 not a single right or privilege was allowed of any kind. It was thick jungle. The Dhák, Kátaldara, Páli, Humgaon, Mándavne, and other jungles, the principal jungles in fact of the *táluka* were included. The people even now make no claim on, nor assert any rights over, this forest. Mr. Ok added 3,609 acres as Reserved forests, as stated above. I cannot say that there are no claims against this addition. I do not know. In the forest of 1866-67 only in Sondevádi is there any habitation of Thákurs. In this land there is no cultivation whatsoever, except in Sondevádi.

I have received no record of the demarcation made by Mr. Lawrence.

It is customary in this *táluka* for the inhabitants, as I am informed by inquiry made, of non-forest, to resort to forest villages for firewood, grazing, *ráb*, and other forest produce. The firewood supply is mainly drawn for all non-forest villages from the forests of Kátaldara, Páli, and Sheval, Bendisgaon in the *táluka* and in the *peta* from Borgaon Khurd, Varose and Kálote.

I have made up a list which I put (*vide* Exhibit No. 8) showing from what villages the non-forest villagers get forest produce.

The forest tribes of the *táluka* are as follow:—Thákurs, Kátkaris, Dhangars and Hill-Kolis.

The people get their firewood themselves and do not purchase from Kátkaris, &c. The Kátkaris, &c., collect firewood, &c., for sale chiefly at Campoli, Khálápur, Chauk, Dahivli, Karjat, Neral and Kalam. It is purchased by the non-cultivating classes, and the Pándharpeshás who do not fetch their own supply. Fruit and other jungle produce is taken to other villages and bartered for grain.

The firewood does not go by trade out of the *táluka* except in a small degree from Neral.

The adult males of wild tribes get field employment for eight months in the year, but the women for about one month. The Kátkaris cultivate from one to twenty-five *gunthás*. The Thákurs from one to five or six acres. The Thákurs help one another, interchange labour, and do not employ outsiders. If permission of collecting forest produce is withdrawn from the wild tribes, they will suffer much. Firewood from the *táluka* goes to Bombay and Poona. If in 1882 the people had found out that other, besides fruit trees were not reserved, they would have cut them down every one. They would do so now. Traders are now enquiring from the people whether they have trees which they can cut and sell.

Most of the firewood is sent to Bombay from Neral and Vángni. The wood which goes from Campoli to Poona does not come from this *táluka* but from the Kolába District. Mango-wood charcoal is prized in Bombay now, and fetches a good price. The side-branches of mangoes are lopped for charcoal. The main trunk is kept in order to cut it into planks and send it as timber. This timber is locally consumed. The people do not get full price for their trees except the rich. In the difficult month (September) when the people feel the pinch traders come and offer ready money and get the trees very cheap. I know where *mowras*, whose yearly produce would fetch Rs. 5, have been sold for Rs. 2.

In most villages there is *gurcharan*. It is very insufficient in area for the cattle. Till December the cattle feed in the village *khap* and other land. Then all go to forest villages. There are no professional graziers in the *táluka* except in Khándas where the *khot* has brought Chárans and located them. The Dhangars have only four or five head of cattle. Cattle find grazing somewhere or other, and there is no murmer under this head.

The grass of five villages, Mamdápur, Dhámat, Vádivli, Vávarle and Nivde is exported to Bombay and out. In each of these villages large *varkas* holders, who are few, are the only exporters. The sale of *varkas* and *kharíf* separetely is very common. The reason is that the Pándharpeshás often possess a very large area of *varkas*. They want to secure *kharíf*. The Kunbis often keep their *varkas* to grow their staple grains and are willing to part with their *kharíf*. The Kunbis also keep their *varkas* in order to secure to themselves the cultivation at least of the *kharíf* which they have sold. Moreover those Kunbis who have their *varkas* free, the assessment being on the rice, have sold the rice and kept the *varkas* free of assessment.

Lately the Forest Department has become very unpopular, because the number of low-paid subordinates has largely increased. They do not patrol in the forests, but are constantly worrying the people in the villages by searching their houses, &c., in quest of offences, and when *táhál* and other forest produce are found with them, the same are often attached on suspicion and the subsequent enquiry causes much annoyance and loss of time, &c., to the people, hence the discontent. Under the present system, while Pándharpeshás can get for cash a load of firewood for one *anna*, while the lower classes, if they conformed to the rules and went through the procedure of getting permits, would have to pay, besides this one *anna* for the permit, two *annas* more in the shape of lost time and labour. Therefore they go and get firewood without permits, and if caught get into trouble. So they have to keep on good terms with the guards. People talk about this among themselves, but do not make regular complaints. Although the rules are broken freely there have been no prosecutions for forest offences in this *táluka* within these last two years. The value of *táhál* unauthorizedly cut was recovered in ten or fifteen villages last year.

Up to two years ago the village officers were held responsible for the protection of the forests in their villages, and had to submit quarterly reports on the condition of the forests. Less wood was cut unauthorizedly then than now, and offences were generally discovered. Now the number of forest guards has been increased, and the village officers are no longer required to submit quarterly reports. The result has been that large fraudulent cuttings of teak have taken place, as in Kalyán. Recently this responsibility of the village officers has been re-asserted. If the village officers look after the forests there is no need for such a large subordinate forest establishment.

15th February 1886.

WRITTEN STATEMENT IN REPLY TO QUESTIONS SUGGESTED BY THE SECRETARY, THA'NA FOREST ASSOCIATION, READ BEFORE THE COMMISSION ON THE 15TH FEBRUARY 1886.

When I stated in my examination that before 1882, it was the understanding of all rayats in my *táluka* that all timber trees, besides teak and blackwood, were reserved, I meant that the rayats understood that such trees were reserved by Government for their own benefit. So long as there are no orders on our records explaining whether such reservations are made for the benefit of Government or for the benefit of the people we assume them to be for the benefit of Government.

I came to know in 1882 that *mowra,* mango and tamarind trees were not included in the number of reserved trees. I did not communicate this information to the rayats.

The decision in the Pendse case did not affect in the least the disposal of trees in *málki* numbers other than teak and blackwood.

After the High Court decision had been obtained, Pendse cut down the teak trees, but not the other trees which had been declared to be his property.

In 1882 when the people knew that *mowra* and mango trees were not reserved, they took advantage of that fact and made money by cutting down and selling those trees. But they did not take advantage of the High Court decision in the Pendse case in a similar way although they had heard of the decision. The fact may be explained thus. In 1882 *mowra* and mango trees, which had been felled by the celebrated money-lender at Neral, Mr. Gangádhar Bháskar Dhárap, were attached but they were subsequently released as they were declared to be not of the reserved kinds. The trees so released were sold by Mr. Dhárap to traders who came to know of all the facts in connection with the felled trees. The traders gave the information to the people living to the east and north of Neral within a radius of from six to eight miles and induced the people to cut their trees down by holding out to them the prospect of making money. Beyond this area such trees were not cut down to any large extent. The chief reason why so many trees have been cut down within the area above specified was the inducement held out and the encouragement given to the people by the Bombay merchants.

I cannot give a list of the villages for which agreements have been passed between Dr. Gibson on behalf of Government and the people to the effect that the latter are to conserve the teak trees taking only loppings and branches for their use on condition of their receiving at the time of the felling of the trees one-third of the net produce after deducting the expenses incurred by Government, because the necessary information is not forthcoming on our records. I do not know whether Mr. Lawrence recognised the agreements, for there is nothing on our records to enable us to know of the matter. I do not know whether people think that the teak trees are not now so thriving as they once were, because they are not pruned. It appears to me that teak trees do not now grow straight, because they are not pruned.

The tree-growth about Neral within a radius of eight miles has diminished on account of the felling of timber for railway effected before and after the opening of the railway, and also on account of the cuttings made by contractors before the *varkas* survey of valuable timber trees growing in *shindád* lands of rayats. The destruction of trees was not due to the cuttings made by rayats for their domestic and field purposes but on account of trade.

In this *táluka* the people of non-forest villages and of those forest villages in which the tree-growth is not sufficient for the supply of the wants of the people, bring fuel and other wood for domestic and agricultural purposes from the six blocks of forests in the *táluka.* The people of non-forest villages supply themselves with forest produce for their use from those villages which have forests. The people of the villages in which the six forest blocks are situated never complained and grumbled against the removal of forest produce by outside villagers for their use, because the forests in those blocks are sufficient to supply the wants of all the people of both non-forest and forest villages. The distinction now contemplated to be drawn between forest and non-forest villages is solely the creation of the Forest Department, and is due to the fact of the non-forest villages being prohibited to bring forest produce from forest villages.

Since the authority to make free grants of wood for building or repairing houses to those who had their houses destroyed by floods, fire or from other causes which had been formerly conferred on *mámlatdárs,* Assistant Collectors and Collectors, was withdrawn, the people have not got timber gratis for this purpose. I bring to the notice of the Commission an instance of this which has come under my personal observation. In 1882 about sixty-five houses in the village of Bid Budrukh situated in the *subha* division of the *táluka* were all destroyed by fire in the course of the night and great damage was caused. There was only one house in the village that escaped destruction. The people, whose houses were destroyed, petitioned and tried to get free-grant of timber till the setting in of the monsoon but in vain.

I do not know what quantity of timber has been given gratis to the people during the last five years, for the information is not forthcoming on our records; but I know this much that such grants have been very few.

I do not think that the Local Boards can manage lands alluded to in Question No. 1 of the General Questions of the Forest Commission better than the Forest Department.

WITNESS No. 7— (KARJAT *Táluka*).

21st December 1886.

RA'MA PA'NDU, a Thákur, labourer, aged 50, residing at Borgaon Khurd, stated in reply to questions

By the Secretary, Thána Forest Association,

I work as a labourer when I can get work. I live at Borgaon Khurd. There are thirty houses of Thákurs in the village. I have no cattle nor have any of the other Thákurs any left. I have a wife and four children. When I cannot work I collect roots and bulbs of *káranda* and wild plantain in the forest. We eat hare, deer, birds, *ghorpads* (a kind of lizard), crabs and wild cats—not rats, mongooses, locusts nor bandicoots. I eat bread, when I can get it, of *náchni, vari* and *sáva.* I do not eat *mowra* bread but collect the flowers and, if no Government contractor comes, I give them to the cattle. For fifteen years we have not been allowed *dalhi.* We have no ploughs. We cultivate by *ráb* small plots of flat *varkas* by hand with the *kudavne* or hoe. My crop this year was two maunds of *náchni* and four *páyalis* of *sáva.* I have not eaten the grain yet. I have managed to get work and so have been able to save it. It will, with care, last for two months. Every two or three days I get work at two annas for a day in grass-cutting and the like. I have to pay assessment for the land in all 12 *annas* and 9 *pies.* I take head-loads of dead wood occasionally, but I do not get green wood, because the forest guards prevent my doing so. They would not allow us even to take dead wood. I collect it if the guards are not about. I collect *ápta, tembhurni, palas* and wild plantain leaves, *torne, karvande, sikekái, jámbhul* and mangoes for sale. I also take grass to Mátherán for sale. I am not allowed to take honey or wax. *Ápta* and *tembhurni* leaves I collect and sell to the contractors. I earn four or five annas each time. I take these leaves to the contractors. This sale lasts for about fifteen days. I make the collection in two days. During that time all the Thákurs, men and women, are engaged. My earnings include those of my wife and family. We collect the leaves in the whole forest, wherever we can get them. We find very little dead wood in the lower forests where people obtain their *shindád.* It is in this lower forest that we cultivate our *náchni,* &c., but not in the allotted portions of the *varkas.* I have paid my own expenses to come here, because I have come to ask for indulgence for the Thákurs. We paid a subscription of from two to three annas per house to the Thána Forest Sabha. It was paid to Atmárám Tipnis. The Thákurs have become very poor; we want more land for *varkas.* There is land to be given, not covered with jungle, though it is in the Government forest. We also want permission without obstruction to collect dead wood and leaves. We also want to get wood to build our houses; we have had to steal. If the guard meets us he ill-treats us. He makes us give him fowls for nothing, when we cut wood for our houses. To make it look old we put the wood in water and daub it with mud.

By the Commission.

When I do not meet the contractor, I sell the *mowra* flowers to those who own cattle. We make one or two rupees per annum by keeping and selling fowls. None but forest guards take our fowls. It takes about two and a half *bighas* or about two acres to grow two maunds of *náchni.* We take firewood to Chauk and Karjat. We get about twenty days' work in the Kunbis' fields at transplantation time and also five or six days' at reaping time. Weeding is done by the Kunbis themselves. We try to get this work outside our village, but we cannot go as far as the railways to work, because we cannot get firewood and cannot stay in the cold. We get employment for about two months in taking grass for Mátherán. Till then we take head-loads of firewood to the market. Each trip takes two days. We do not ask for leave to *dalhi,* but for more land to cultivate than we do now. Government, we know, would not let us *dalhi.*

WITNESS No. 8—(KARJAT *Táluka*).

21st December 1886.

RA'MA JHIMA, a Dhangar, aged 45, residing at Borgaon Khurd, stated in reply to questions

By the Secretary, Thána Forest Association,

There are fifteen or twenty houses of Dhangars at Borgaon Khurd. There are Dhangars at Varosi and Sondevádi—about twenty houses in all. We breed cattle. Tuka Dhangar has the largest number of cattle—about forty. I have four or five. I am not the poorest. We graze in the forest after the auction has been held, and also in the other village lands outside. We pay the contractor a fixed lump sum. I pay eight annas for mine. We graze except in portions which the contractor keeps for grass. We use inferior or *injáili* wood for our huts. We fetch this and our firewood. The guards try to stop us, but we give them milk and butter and square with them. When the forest grazing was not auctioned we paid a fee to Government. What we ask for is that the grazing should

not be auctioned, but that Government should let us graze as before, paying fees, and that we should be allowed firewood and wood for our huts. We want also to be allowed to return to our habitations inside the forest.

By the Commission.

We used to pay four annas per buffalo; cows were always exempted. Some few of us have a little land. Two have rice lands, and all have a little *varkas* cultivation near our houses, cultivated by plough or hoe. We pay per plough Rs. 2-2, and per hoe 12 annas and 9 pies. About ten cultivate with ploughs. I get about two or three maunds grain a year. We do not do field work in Kunbis' land. I used to have thirty or forty head of cattle twenty years ago. The cattle of others have similarly diminished. The grazing has diminished, because the contractor does not let us use all the land, and only allows us to graze for two months, while we used to graze all the year round when we paid fees. Our cattle in the hot months from February live greatly on leaves. We do not get leaves as we did.

WITNESS NO. 9—(MURBÁD *Táluka*).

16th January 1886.

BA'PU DA'DA'JI KORDE, A PARBHU, *Government Pleader*, Murbád, aged 52, residing at Murbád, stated in reply to questions

By the Secretary, Thána Forest Association,

I am an elected member of the Táluka Local Board and Vice-President of that Board. I am also the elected representative of the Táluka Board on the District Board. I have practised for nineteen years as a pleader in the Murbád Court, of which six years as Sub-Government Pleader. I have to travel about in the *táluka* in connection with my practice. Before I became a *vakil* or pleader I was for eighteen years in Government service. I served as *sheristedár* and *názar* of the Sub-Judge's Court, Murbád. I am a *sutidár* and pay Rs. 100 as assessment. I have twenty acres of *kharíf* and sixty acres of *varkas* distributed over three adjoining villages, *i.e.* Murbád, Pásheni and Phansoli. There is a little forest in all three villages. The Survey was introduced in 1859-60. The whole of the land in my *vahivát* for *varkas* cultivation and *ráb* was not entered in my name. The same thing happened as regards other land-holders generally. The flat *varkas* lands in which we grow hill grains were entered in our names, but the hilly portions from which we got our *ráb* supply were not entered in our names. At the *jamábandi* we learnt that these lands had been entered either as *gurcharan, parigh* or waste land, *kuran*, &c. Some of the people did complain that these lands were not entered in their individual names, but the officer giving out the rates explained that though the land was not entered in individuals' names, the people who had hitherto had *vahivát* in such lands could continue the same. We still retain the *vahivát* individually over the *shindád* land which was included in the *gurcharan*. A portion of the *gurcharan* is common to all. This is the case in all three villages. There are no *kuran* or *parigh* numbers in these villages. The same thing occurs in other villages as regards lands entered as *parigh* and *kuran*. In some villages there is a *shera* or remark "Preserving the teak cattle may be grazed free. In others *rán rakshan karun* (preserving the jungle) cattle may be grazed free. In others the only word used is *gurcharan*. In others "saving the teak and other trees the grazing to be sold by auction." In others for *vancharái* alone. In others "*Injáili shindád* proprietary, the teak Government property."[1] In others "*rán rakshan karun* (preserving the jungle) the rayats may cut *táhál*, and the land is for *kuran*." I hand in a memorandum showing certain lands and villages to which the above described *sheras* or remarks apply. The *varkas* lands entered in my name at the Survey contained their tree-growth. Other *sutidárs* in these three villages had lands in similar condition. It was not explained at the time of the Survey that any trees, even teak, were reserved in occupied lands. From the date of the survey up to the end of 1865 it was necessary to get permission to cut trees. I know that permission was got to cut *injáili* or inferior trees, but I am not aware of any permission to cut teak being applied for or given. We did not apply for permission to cut branches or trees for fuel or ordinary domestic wants. We applied when there was to be any considerable cutting. No fee was charged for the permission. The sixty acres of *varkas* in my holding do not suffice for *ráb* for my rice and *varkas* cultivation. They did not suffice before the Survey. I get the supplementary supply from the *gurcharan*, because the *shindád* lands in my *vahivát* are included in it. Sometimes even this supply is not enough for me and other *sutidárs* of these three villages. In this case we go to the jungles of Kole where there is a large forest. The people of these three villages and other villagers resort to the Kole forests also for fuel, *táhál* and wood for agricultural purposes. We do not ask permission and never have. I forgot to say that we also go to the Másle jungles for the same purposes. The Murbád villagers only do not go to Másle for *ráb*, it being too far. There are extensive forests in the following villages to which the people of other villages are in the habit of going to get forest produce for their domestic and agricultural purposes:—Kole, Másle, Shiland, Mahogad, Dongar-náve, Nárivli, Ghere Sidgad, Umroli Khurd, Dudhnoli, Madh, Sonávli, Vaishákhre, Sávarne, Borándi, Thitbi, Phánglosi and Talegaon. People from

1 In reply to a reference on the subject the *Mámlatdár* of Murbád states that there is no such *shera* as described here by the witness.

Sháhápur, in Thána and from Akola *táluka* in Ahmadnagar and the Junnar and Khed *tálukas* in Poona also go to these forests. People of our *táluka* go to the adjoining *tálukás* above-mentioned for particular things, we cannot get in our *táluka* jungles, whereas the people of those *tálukás* come to our jungles for what they cannot get in their own. For instance we go to Junnar and Akola for *tokars*, bamboos, *kárvi, hirdás, shikekái* and honey. They come here for *ain, khair,* blackwood, *tivas, dhávda, nána* and *kalam* which they take, notwithstanding any rules to the contrary. I do not know that any land was specially set apart as forest at the time of the survey. Seven or eight years afterwards some lands were set aside as forests in about twenty-five villages. The quantity of forest growth is very much less now than it was before 1852-53. Between this date and 1862-63 Government gave contracts for felling timber for sleepers, building purposes, and to a large extent to traders, and hence the present diminished supply. The contractors cut timber fraudulently from *gurcharan* and *málki* lands, as well as Government forests taking advantage of the fact that the latter were not clearly marked off from other lands. Teak was not cut under these contracts. Teak has increased but *injáili* or inferior wood cannot be got of so good a quality as before. The quality of the teak is not improved, only the quantity is more. Those trees which up to about 1868 were pruned have improved. There has been no pruning allowed since. It was allowed before under supervision (*vide* Exhibit No. 9). Another reason for the denudation of occupied lands is that the owners themselves cut trees thinking that as Government contractors had already in some cases cut trees under cover of their contracts through fraud or ignorance in occupied lands, it would be better, to avoid the chance of such an event occurring again, to cut the trees and realize the value themselves. People also thought that as Government had prohibited the cutting of teak, they might also prohibit the cutting of other trees; and this insecurity led many to dispose of their trees when they could, and about the same time the order requiring previous permission before cutting was withdrawn giving additional facilities for cutting. No permission is now required. But latterly during the last five or six years mango and *mowra* trees have been extensively cut in occupied numbers. The cause of this was as follows. In the notification of 1879 lands were declared to be Protected forests and Reserved forests in which people had *vahivát,* although these lands were not entered in their names. People thought that Government might also take up as forests, the lands which had been entered in their names, and so cut the trees to realise the value when they could. They were sold at any price, generally much below their value. If Government guarantee that they will not interfere with any description of trees in occupied lands, people will take care of their trees. There was an agricultural forest depôt at Murbád to supply thirty to thirty-five villages. There was no wood suitable for ploughs in the depôts, and none was bought for this purpose. A few people bought rafters and poles, who wanted them urgently. Others did not buy because the prices were high. They still supplied themselves from the big forests, evading the guards if possible and, if not, paying them to look the other way. Our claim is to be allowed grass and *táhál* for cultivation, firewood, wood for agricultural purposes, wood for building common houses, material for fences, medicinal products from the forests, such as honey, *hirda,* wax, *beheda, avla,* marking nuts and minor fruits, &c., *mowra* fruits and flowers, *ápta, palas, tembhurni* and teak leaves. Some Kunbis also want wood for fish dams. The wants of village artizans should be supplied.

By the Commission.

I have not sold a single tree on my *varkas* lands since the Survey. I have only cut for domestic and agricultural use. I had not the same feeling of insecurity as to the trees in my occupied lands as others had, and I wanted the trees for my own use. Even some intelligent people cut trees owing to a feeling of insecurity. The prohibition of cutting teak dates from 1841, but at the Survey, people supposed that they had the right to teak in the lands entered in their names. As regards my *shindád* land included in *gurcharan* numbers I do not prevent other people grazing in it, but I prevent people cutting *táhál* in it. No one attempts to do so. In a small portion of this *gurcharan* in these three villages there is land over which no one has any individual *vahivát.* From such land those who have no land take material for fences, &c., and cultivators who have insufficient *rább* lands of their own, cut *táhál.* The *vahivát* of the *sindád* land follows the *vahivát* of the *kharíf.* If I sold my *kharíf* the *shindád* must go with it. I could not retain the *shindád,* if I sold the *kharíf.* The *vahivát* is not a personal one. Between 1852 and 1862 the Revenue Department had the charge of the forests. I consider that the village officers neglected their duty in not reporting or preventing the cutting of wood by contractors in occupied lands. Besides the contractors could easily cut wood in occupied numbers and mix it with other wood so that it could not be traced. In rare instances the village officers may have been in collusion with the contractors, but I know nothing about this. Between 1852 and 1862 big *injáili* trees only were cut for sleepers, but under other contracts for firewood both big and small trees were cut. The contracts were not confined to the twenty-five or thirty villages in which lands had been set apart as forests. Contracts were given in for eight other villages for firewood. I do not know what the conditions of these contracts were nor the exact villages in which these contracts were given. The contracts were given prior to any forest demarcation. I cannot say without referring to papers whether at that time the village officers were responsible or not for the preservation of the forests. The old rule was that for every tree cut in occupied land two were to be planted. But this rule was not observed. Mango and *mowra* are not lopped for *táhál* in Murbád.

WITNESS No. 10—(MURBA'D *Táluka*).

18th January 1886.

BALVANTRA'V SAKHA'RA'MRA'V DESHMUKH, a Márátha, cultivator and money-lender, aged 45, residing at Shiroshi, stated in reply to questions

By the Secretary, Thána Forest Association,

I am an *inámdár* of Borsinghe. I am the *inámdárs'* elected member on the Táluka Board and the Government nominee on the District Board. I have been a member of the Táluka Local Fund Committee since its institution up to within three years of the new system. I also served for four or five years on the District Local Fund Committee. I have travelled about as a member of the Táluka Local Board on the works committee. I am also a member of the works committee of the District Board. I am *vatandár pátil* of Mál and Shiroshi, and a sharer in the *deshmukhi vatan* of Shiroshi *pránt*. I know the circumstances of Shiroshi *Mahál* well, as I have money dealings therein. It was formerly the custom of the people never to complain to Government without going first to the *deshmukh* for advice. This custom no longer obtains, but still many people consult me as I am a *sutidár* and a money-lender. I hold between 500 and 600 acres of *kharíf* land in Murbád, Sháhápur and Karjat, and pay from Rs. 1,600 to Rs. 1,700 Government assessment. I hold *suti* land in thirteen villages of Murbád, including Mál and Shiroshi. I cultivate some of my own land in these two villages, and sometimes in other villages. I hold about 2,000 acres of *varkas* with my *kharíf*. I have about forty acres *kharsf* and 170 acres *varkas* in Shiroshi, twenty-eight of *kharíf* and 900 acres of *varkas* in Mál. My family was undivided between two and three years ago. Part of the 900 acres of *varkas* has still to be divided; 500 or 600 acres of *varkas* will remain as my share after division. In Shiroshi there are very few trees in my 170 acres of *varkas* land. I supply the deficiency of *rán* from the portion of the *gurcharan* formerly in my *vahivát* as *shindád* land. All the *gurcharan* in Shiroshi is now Protected forest, *viz*; Survey No. 232 of 1029 acres. There are dwelling-houses in the *gurcharan* about twelve to fourteen in number. Some of the houses were built before the Survey. Survey No. 232 is a straggling number which includes several other numbers within its boundaries. The portion occupied by the houses ought to have been separately measured but was not. An attempt was made to make us vacate these houses in 1880 or 1881 by the Assistant Collector. In March 1874 an entry was made in the registers of Shiroshi, Mál and Khed to this effect: Government reserve the right to all trees except *injáili*. I understand by the word *injáili* all trees except teak. Also there are entries against some unoccupied waste lands to the effect that certain mango and *mowra* trees thereon are owned by private individuals. I produce a certified copy of a statement (*vide* Exhibit No. 10) showing that certain mango and *mowra* trees in the *gurcharan* numbers of Shiroshi and Mál belong to me. In 1882 the *sheras* in the village registers above alluded to were cancelled by red ink lines. I believe this was done by the *mámlatdár* under orders of the Assistant Collector. In 1880, I cut down two mango and one *mowra* tree belonging to me in the *gurcharan* Survey No. 232, and one mango and one *mowra* in my occupied lands. These trees were all attached, because cut without permission, by the forest inspector. After about five months the attachment was raised. Similar cases occurred in Kalamkhandi and Nándgaon. In the same year there were criminal prosecutions for cutting mango trees in *gurcharan* land of Shiravli, which resulted in the accused being discharged. We inferred that the cancellation of the *sheras* in Village Form No. 1 above alluded to was due to a desire to remove obstacles to asserting the rights of Government to the trees. The lists of fruit-trees in *gurcharan* were prepared in 1862-63. These trees were trees planted by people in their own *shindád* lands, portions of which were included in the *gurcharans*. When the Survey was introduced in 1859-60 the *shindád* land of many people was included in *gurcharan*. Those who made petitions within two years got their lands entered in their names. Those who did not petition in time did not. As there were disputes, the fruit trees claimed by the people in the *gurcharan* were separately enumerated and entered in the owners' names. The erasure of the *sheras* was known to some well-informed people, who must have told others. I believe it created a feeling of insecurity regarding rights created by the Survey Settlement. Notwithstanding the entries in the lists of fruit trees of which I have given an extract, I was informed by the Collector in reply to a petition that I had no rights at all over these trees (*vide* Exhibit No. 11). A copy of the extract now produced did not accompany the petition. A further petition was made subsequently to the Commissioner, N. D., by Bápuráo Korde and others on the same subject. The petitioners were told in reply that the inquiry made in 1862-63 did not confer on the people any proprietary right in the fruit-trees, and that they could not therefore cut the trees down; but that they already had the usufruct of the trees as regards fruit (*vide* Exhibit No. 12). When I petitioned the Collector, my enjoyment of my fruit-trees in the *gurcharan* land as well as in my occupied land had been interfered with. The forest officials said that the *mowra* flowers in the *gurcharan* were Government property. The contractor warned all the Kátkaris, &c., who collected the flowers to give them to no one but him. But every one sold their flowers as usual both from *gurcharan* and *málki* numbers to the traders. The contractor then got some of the *mowra* so disposed of, attached. As there was no proof that the *mowra* was the produce of Government trees the attachment was raised. In 1880 an order was given to the effect that as the village sites were the property of the State, the trees growing

on them were also Government property, and that no one should cut trees in village sites (*vide* Exhibit No. 13). In Shelgaon, a Teli cut down a mango tree in his compound in the village site. The *taláti* made a report and the *mámlatdár* recovered the price. The tree was worth Rs. 1½ and the *mámlatdár* recovered Rs. 5 or 6. I did not see the tree myself. The *taláti* told me it was worth only Rs. 1½. On the 15th December 1882 another order (*vide* Exhibit No. 14) was issued explaining that the former order was not intended to apply to trees situated within compounds, but to trees on open places in the village sites. The Shiroshi and Mál villagers resort to the Talegaon, Phánglosi and Chásole jungles of Murbád, Gunde and Dhádre of Sháhápur, and to Ghátghar and Kumbshet of Akola in Ahmadnagar for fuel, wood for agricultural purposes, fencing material, *mándav* materials, bamboos, *kárvi*, fruits and medicinal drugs. The Thákurs, Kolis and Kunbis also go there for various leaves and fruits to poison fish with. People also get common wood for house repairs. The Shiroshi and Mál people get all the *táhál* they want for *ráb* from their occupied lands and the *gurcharan* in their own village. The people of about twenty-five other villages also resort for the same purposes to the same jungles. Part of our ancestral land is in Phánglosi and Talegeon, in both of which villages there are extensive jungles. When before division, I had an interest in these villages as a *sutidár*, I felt no jealousy when people of other villages came to them for forest produce. The people of the forest villages get their *quid pro quo*. They get fishing in non-forest villages. There are Thákurs and Kátkaris in Shiroshi and Málgaon. Out of about 200 houses in Málgaon 175 are Thákur houses. There are no Kátkaris in Málgaon. In Shiroshi there are about fifty to sixty houses of Thákurs and Kátkaris. The Thákurs cultivate some of my land and other people's under *maktás* or fixed rents in kind; Kátkaris do not. These tribes get labour in fields for from 2½ to 3 months in the year. For the rest of the year they collect and sell forest produce. They also collect things for their own consumption. In 1880, four Thákurs of Kochre were punished with eight days' imprisonment each for cutting *táhál* for *ráb*. I do not know what trees were lopped. The Thákurs are more in debt now than they were twenty years ago. The reasons are that before the survey they paid assessment on actual cultivation only. Owing to restrictions they do not get so much out of the forests as they did before. They are prevented from collecting and selling *hirdás* and from cutting green wood to sell for fuel. They get less for collecting *mowra* flowers owing to the Forest and Abkári regulations. In the Ghat villages they used to cultivate on the *dalhi* system, which has now been stopped for the last twenty years. I do not think that permission to *dalhi* should again be given. I think they should have land at specially light rates of assessment, and their customary privileges as to taking forest produce. I know that a rate of Rs. 14 a candy was paid for *mowra* flowers collected the year before last departmentally by the Forest Department. But this sum of Rs. 14 a candy did not come into the hands of the wild tribes. They only got Re. 1 to Rs. 1½ per *palla*—Rs. 2-8-0 to Rs. 4 per candy. The balance between this and the rate paid by Government was appropriated by the traders who had already purchased the year's crop of flowers from the wild tribes, before the rate of Rs. 14 a candy was fixed on. The benefit of this high rate went to the traders alone. Last year I bought 200 or 300 *pallas* of *mowra* flowers from Thákurs and Kunbis at from Rs. 1¼ to Rs. 1⅛ a *pallla* and also from local traders at from Rs. 2 to 2½ a *palla*. I sold some of this at Kalyán for Rs. 3-6-0 a *palla*. I had no transactions in *mowra* in the year in which Rs. 14 a candy were paid. Advances are not made to Thákurs, &c., against *mowra* collections or other forest produce. I have for the last six or seven years obtained my fuel supply by paying the prescribed fees for passes. No one else to my knowledge has paid for passes in Shiroshi *mahál*. They bring it from the jungles without passes. I do not, because I fear my reputation would suffer, if I was caught so doing. People can buy fuel from Kátkaris. They get from ¼ to 1¼ *annas* a head-load. The most he can get for what he can carry per trip would be 1½ *annas*. Thákurs and Kátkaris can in the season earn nine pies a day for collecting *mowra* flowers.

19th January 1886.

I am the *inámdár* of Gursinghe, the revenue of which is Rs. 450. There are about 100 acres of *kharíf*. The survey is not introduced. There are about twenty to twenty-five holders of *kharíf* land. The *kharif* only is entered in their names. No assessment is levied on the *varkas* cultivation. People have individual *vahivát* in the *varkas* land. Each *kharíf* holding has attached to it *varkas* land, both for cultivation and *ráb*. If *kharíf* is sold the *varkas* land goes with it. *Kharíf* is not sold alone. The village lands supply sufficient material for *ráb*. I charge no fees to holders for the wood available for agricultural implements or for firewood. There are a few teak trees, 200 to 400. I allow them to be pruned by the cultivators who utilize the loppings. The trees which are pruned grow straight. I think it improves the trees. The cultivators in my *inám* village prune the teak trees without supervision. If the holders in my village want to cut any large trees they have to ask my permission, not otherwise. Five or six years ago ten large *mowra* trees were cut with my permission. They were attached by the Forest Department. After about three years I got the trees back and they were then useless except two. The trees were valued and I had to pay *judi* or quit-rent at two annas on the value. I think if a cultivator were to ask permission to cut large trees for his own use, I should not as *inámdár* charge him any thing because the cultivator protects the trees and I wish him to be contented. There was a depôt for firewood and agricultural wood at Shiroshi. A few people did purchase rafters

and building material, but no ploughs were bought because the material was bad and the price high. A few pieces fit for yokes were bought under the present system of forest administration. A transfer of forest duties to village officers would make no change for the better. As things are, the people cannot get along without committing theft, *i.e.*, infringing rules; and the village officers could not enforce the restrictions. Even if full concessions were made the people would feel no security so long as the present forest subordinate establishment is maintained. The forest subordinates will make reports and concessions will be withdrawn. Government should divide the forests into two, should keep one portion for themselves and give full concessions in the other, *viz.*, the *gurcharan, shindád* lands, &c., to the people. They will thus be able to supply their wants from this land and their occupied numbers, and will be encouraged also to preserve the trees in occupied lands. I do not say that such a division should be made village by village, but by forests irrespective of village boundaries. The division should be effected in consultation with the people. The portion assigned to the villagers should not be under the control of the Forest Department. It might be placed under the control of the Local Boards or some similar agency.

By the Commission.

The District Local Board would control the Táluka Boards in charge of the village forests and the District Local Board would in turn be controlled by the District Officer. In saying that village officers could not enforce the present restrictions, I alluded not to Murbád alone, an unsettled *táluka*, but to all the *tálukás*. I am not aware exactly what privileges have been granted to the people in the settled *tálukás* of Kalyán, Bhivandi, Karjat, Bassein, &c. If the restrictions in those *tálukás* are the same as they are in Murbád, then I do not think the *pátils* could enforce them. In my *inám* village the rayats have no proprietary rights to timber trees in *varkas* lands. I mean teak, large *ain* trees, *hedu, kalam* and other *injáili* trees. *Mowra* and mango trees belong to the rayats and they may take inferior wood for domestic and agricultural purposes. I should not interfere if the rayats sold mango and *mowra* trees, because they have planted them. I should object to their selling any other trees. Government stands in the same relation towards the rayats as regards trees on unassessed lands in *khálsa* villages, as I do as *inámdár* to the rayats of my *inám* village. Several vexatious orders were issued in 1882. Fees were charged on head-loads brought by Thákurs and other wild tribes. Contracts were given for collection of *palas* leaves. Passes were required for removal of *táhál*, firewood, &c., on occupied lands. Restrictions were imposed on cutting *táhál* in *gurcharan* lands. Orders widening the definition of timber so as to include certain kinds used as fuel were issued. The first three orders have been cancelled, *viz.*, about head-loads, *palas* contracts and passes. I do not know how far the other restrictions alluded to have been removed or not. I should as an occupant be willing to take over all trees, including teak in my occupied lands subject to a condition that I would not cut them for sale without permission of Government and that no charge was incurred in obtaining the permission.

Witness No. 11—(Murbád *Táluka*).

19th January 1886.

Goma Dha'vji Kengla, a Thákur, cultivator, aged 60, residing at Mál, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold land in Mál both *kharif* and *varkas*, for which I pay Rs. 9 to Government. There are about 200 Thákur houses in Mál. I am the head of the caste. Most of the Thákurs hold land and a few live by day labour. Last year we cut *táhál* from *gurcharan* as usual. Afterwards the forest peon visited the village and estimated how many cart-loads each man had taken from the size of the *ráb*-bed and the *táhál* that was found spread. We were charged fees for the same, as we could not pay it, our utensils were attached by the *taláti*. The money is now being realised. The attachment was made in September last, and the pots were removed to the *pátil's* house. The pots are being returned as the amount of fee is paid. In the meantime we used to cook in earthen pots. The *táhál* was cut from *ain, bonda, dhávda, pángára* and other trees. Fees were charged for the whole quantity of *táhál* irrespective of its being of reserved or unreserved kinds of trees. We were told by the forest peon that we were not to cut any trees in *gurcharan* land. Thákur labourers find employment in fields for about two months in the year. We go to the forest of Talegaon and Phánglosi for *kárvi*, fuel, &c. We take the produce to Jadai, Shelgaón and so for sale. We collect *mowra* flowers and fruit. We avoid the forest man as much as possible, as when we are caught we have to pay fee. There are five hamlets of Thákurs under Mál. Each hamlet pays annual bribe of 2 Rs. to the forest peon for allowing villagers facilities for cutting wood for building, &c. We have been paying this money for many years. I cannot say exactly how many. Three years ago, the forest inspector had sent for me. I informed him of what took place, he committed it to writing first and then burnt the paper. In addition to the money we have to supply the peon with grain. We use the cow-dung collected in the monsoon for *ráb*. Some of our cattle used to go to graze in Kochre *kuran*. Last year the *kuran* or meadow was sold by auction, and the people of one of the hamlets had to pay Rs. 5 for their 200 head of cattle. We require firewood for cooking as well as for warming ourselves.

By the Commission.

We cut wood in *gurcharan* contrary to orders even at the risk of being imprisoned, because we could not do without it.

WITNESS NO. 12—(MURBÁD *Táluka*).

20th January 1886.

Ráo Sáheb RÁJÁRÁM VISHVANÁTH GADKARI, a Parbhu, Mámlatdár of Murbád, aged 31, residing at Murbád, stated in his examination

By the Commission,

I have served as *mámlatdár* of Murbád for two years. At the survey I believe all the *varkas* land in people's *vahivát* was marked off and entered in their names. I mean by *varkas* land cultivated for hill grains. There have been complaints that *shindád* lands in people's *vahivát* were not entered in the occupants' names at the Survey, but were included in the *gurcharan* numbers. I do not know how such complaints were disposed of. In 1863, a circular was issued by the Collector No. 36 of 7th November 1863, declaring that the forests were to be demarcated, but that pending such demarcation, cultivators and their sub-tenants should be allowed to take firewood for domestic use, but not for sale of certain trees enumerated in a list attached to the circular, from the jungles. On the 21st February 1867, circular No. 42 was issued by the Collector, regulating the cutting of *táhál* in village forests or *gávbháq* and *gurcharan* lands. The effect of this circular is to allow the people to cut *táhál* of all but seven reserved trees in *gurcharan*, and also in village forests, where demarcation has taken place. But by this circular the people were allowed to lop *ain* trees, which were included in the list of reserved trees, provided they were not fit for building purposes. I do not understand that the reservation of the seven trees mentioned in the circular extends to the *gurcharan* lands. From *varkas* land people take three successive crops, and allow two or three years fallow. I am not aware of any orders having been issued with regard to trees in occupied lands at the time of the Survey. I understand that the occupants in Murbád have rights to all trees in their holdings except teak, blackwood and sandalwood. This point has been decided by Government Resolution No. 6441 of 30th August 1883, Revenue Department. In the village registers of Mál, Shiroshi and Khed there are *sheras* opposite the *gurcharan* lands that certain mango and *mowra* trees are owned by individuals, that is to say, the word *málki* is used and below that the number of each kind of trees is specified. The word *málki* was erased by red ink lines in these cases under the authority of the Collector's Murbád outward No. 55 of 1882. I will refer to my records about this; one Jáffer Lothan of Murbád applied for permission to cut two mango trees in *gurcharan* land in his *vahivát*. These trees were entered in the tree list of 1862-63 in one Dádu Miya's name, and were included in the trees entered as *málki* against the *gurcharan* land in the village register. The matter was referred to the Collector who held that no one had any individual right to trees in Government waste lands, that the entry of such trees in rayats' names in Form No. 1 was incorrect, and that consequently such entries should be struck out and the cancellations attested by the *mámlatdár*. The entries in the register regarding trees were made from the tree list prepared in 1862-63. I presume this was the case. The tree list was prepared under authority, but I do not at present know whether the list was sanctioned or confirmed by superior authority. I do not think the cancellation was notified to the people concerned. I think it desirable that Government should get rid of all rights to trees in occupied lands, on recovering value of reserved trees. I think people ought to be required to get permission before cutting trees for sale in their *málki* numbers, but not to cut them for their own use. The allotted *varkas* is not in my opinion sufficient for the *ráb* supply. I have not had any special petitions about it, but I draw my conclusions from personal inspection and from what people say. I think people should be allowed to cut *táhál* in *gurcharan* or other lands set apart for the purpose, according to their requirements. I think four or five acres of *varkas* are required for every acre of *kharif* for *ráb* and cultivation. There were two or three petitions last year and one about two months ago relating to disputes about *vahivát* in certain portions of *gurcharan* as regards *ráb*-cutting. I gather from this that people have individual *vahivát* in the *gurcharan* lands. The people of non-forest villages in Murbád resort for supplies of forest produce to the forest villages. I think that in accordance with former custom the people of non-forest villages should be allowed to get their supplies free from the particular jungles to which they have hitherto resorted, even should the jungles be in another district. People have complained orally about the severity of forest restrictions, such as, that they have been prohibited from cutting twenty-eight kinds of trees for *ráb*, and from cutting green wood for firewood. I have heard no complaints about the insufficiency of dry wood for fuel. People have complained of their not being allowed to take teak leaves. I have had no complaints against the forest guards for taking bribes. I have visited the Thákurvádi of Mál, but had no complaint from the Thákurs about this forest guard (the forest guard referred to in statement of Murbád witness Goma Dhávji Kengla). I did not bring any of the complaints I have alluded to, to the notice of my superiors, as the restrictions complained of were imposed under orders. I do not think that any forest villagers depend on non-forest villages for their requirements. The wild tribes of Murbád are

Thákurs, Kátkaris, and Hill-Kolis. As regards head-load privileges I should class Mhárs and Chámbhárs as wild tribes. Wild tribes take head-loads for sale to Murbád, Shivle, Saralgaon, Dhasai and sometimes Shiroshi. About half the Thákurs and Kolis hold land, nearly all cultivate. Kátkaris and Kolis are employed as agricultural labourers. If the present concessions as regards collecting forest produce for sale were withdrawn, they would suffer, because they do not get employment all the year round. They get labour for from five to six months. They get two months' labour in *ráb*-cutting, a month to a month and a half in transplantation, a month in reaping and threshing and sometimes a fortnight in ploughing. A Koli or Kátkari gets from two annas to three annas a day or its equivalent in grain as his wages.

21st January 1886.

In March 1874 the Supernumerary Assistant Collector in charge of the *táluka* inserted the following *shera* below the village registers of the *táluka : Injáili, kherij báki sarva nambarántil jhádoryávar sarkárchá hákk áhe, i.e.*, Government reserve the rights over all trees but *injáili* trees in all numbers. In one case, *viz.*, the village of Khed the word *nambarántil* is omitted. I will give detailed information as to the *sheras* entered in the registers of all the villages. I have not observed any extensive cutting of mango, *mowra* and tamarind trees in occupied lands in Murbád. The area of free-grazing is insufficient in some villages, sufficient in others. The cattle of Pimpalghar go to the *gurcharan* of Inde. Some professional graziers called Chárans occasionally in the monsoon bring cattle to graze in *gurcharan* as well as in *kuran* numbers. There is no restriction against their grazing in *gurcharan*. They go mostly to *kurans*, the grazing of which they purchase. About 1,000 to 2,000 cattle come in this way. In Murbád I know of no instances of occupants selling *kharif* land without *varkas* attached to it. No grass is exported from Murbád to Bombay. Wood is exported from occupied lands *viá* Titvála and to a less extent *viá* Badlápur. There is no export above Ghats. I remember a case in which *injáili* rafters were removed from the forests of Boránde and taken to Ghátghar and Junnar by Hill Kolis living outside the district. The value of the wood was recovered from them. I have examined the extracts from records produced by the last witness. I find Exhibit Nos. 13 and 14 to be forthcoming on the record. Of the rest I verify No. 86 of 27th November 1882. Of the rest I will inquire about.

23rd January 1886.

WRITTEN STATEMENT IN REPLY TO QUESTIONS SUGGESTED BY THE SECRETARY, THÁNA FOREST ASSOCIATION, READ BEFORE THE COMMISSION ON THE 23RD JANUARY 1886.

Q. 1.—How do you interpret the *shera rán rakshan karun gure mophat chárávi* and other *sherás* of similar import ?

A. 1.—According to the strict rules of grammar, the sentence *rán rakshan karun gure mophat chárávi* must have its subject, which is understood. If we take the word Government as the subject of the above sentence, it is not applicable, because Government have no cattle of their own to graze. The rayats or people would therefore be applicable as subject of the sentence, in which case the preservation or taking care of the forest would devolve on the people. If we interpret the whole sentence we must at the same time interpret the words "*rán rakshan karun*" occurring in the sentence. This sentence would mean or convey the meaning from the following illustration that the people should not touch or injure the forest while grazing their cattle free in it. Suppose I tell a man *pik rakshan karun bándhávar gure chárávi*, it would simply mean that he should not injure or allow the cattle to injure the crop while grazing the cattle. It would not mean that I have given up my right to the crop thereby, but at the same time I must also take care of the crop.

I could not say anything upon the technicalities of the *shera*; but what I understand from the *shera* is that Government have reserved the right to trees and allowed the people to graze their cattle free in the *gurcharan* land.

Q. 2.—Do you think that what is stated in the Collector's Circular of 1867 regarding the *ain* tree is equally applicable to the other six kinds of trees declared to be reserved on the recommendation of the Forest Committee of 1863 ?

A. 2.—The order of 1867 is not I think circular order. The words *jávak* number are only written on the top of it, and thereby it applies only to Murbád *táluka*. It however appears from the order that it came to the notice of the Collector that the people generally used the *ain táhál* for *rán*, and consequently the order would not I believe be applicable to the other six kinds of reserved trees.

I will furnish the returns and information asked for in Questions 3 to 6 after looking into the records of my *táluka*.

Q. 7.—Have you any reasons to believe from your experience of five years as *mámlatdár* in four *tálukás* of this district that the confidence of the people in the ability or willingness of the District Executive to protect the rights and interests of the people is as strong as before or that it is considerably shaken ?

A. 7.—I do not know whether the confidence of the people in the ability or willingness of the District Executive to protect the rights and interests of the people is as strong as before or it is considerably shaken. It is generally spoken of by the people that Government are going to deprive them of their rights.

Q. 8.—Assuming that the Murbád *táluka* is settled on the same lines as the other settled *tálukás* of the district, do you think that the people of the Murbád *táluka* reasonably and fairly be expected to be satisfied ?

A. 8.—The Murbád *táluka* has not yet been settled. If the same privileges as those in settled *tálukás* were granted to the people of Murbád *táluka,* the people would be satisfied to some extent, but I do not think that the people would be thoroughly satisfied unless they obtain the privileges alleged to have been enjoyed by them previously.

Q. 9.—Do you think that the erasure of the *sheras* referred to in question 3, and the inclusion into the forest area of the unoccupied lands over which at the time of the settlement the people were to exercise their *vahivát* as before, were violations of the solemn engagements entered into by Government with the people as a result of survey operations of 1859-60 ?

A. 9.—I cannot answer this question unless I look into the orders and rules issued by the Survey Department at the time of the introduction of the survey in the Murbád *táluka.*

Q. 10.—Have you ever had the occasion to observe the comparative state of the teak growth in the alienated and *khálsa* villages of the Murbád *táluka,* and if so, what has been the result of your observation with special reference to the effect of pruning and trimming in improving the quality of the tree or otherwise ?

A. 10.—I have had no occasion to observe minutely the comparative state of the teak growth in the alienated and *khálsa* villages of the Murbád *táluka* and consequently I do no t know about it. I will furnish the information asked for in Question 11 after enquiring and looking into the records.

In continuation of the written statement printed above, the following replies to questions have been received :—

Q. 3.—Can you give the Commission a statistical return showing for each year during the period commencing from the date of the memorable Forest Gazette of 1879 and ending with the date on which in 1882 the *sheras* regarding the *málki* fruit-trees were erased, the number of cases in which the owners of such trees were either executively or criminally interfered with in the enjoyment of the rights recognized by the *sheras,* and showing also the result of such interference; also a similar return of the period commencing with the date of the erasure of these *sheras* and ending with the year 1885 ?

A.—Since the erasure of the *sheras* in Village Form No. 1 about the proprietary fruit-trees in *gurcharan* numbers, it has been decided in a subsequent correspondence that the owner should enjoy the fruit but the right to wood should vest in Government. Extract from the correspondence is herewith appended (*vide* Exhibit No. 15).

In the year 1862-63 trees (in unoccupied numbers) were counted and the list of such trees was forwarded to the Assistant Collector in charge of the *táluka ;* but no orders have as yet been received in the matter. I forward herewith an extract (*vide* Exhibit No. 16) from the *bárnishi* of the order about writing the *sheras* in Village Form No. 1, which was passed on report *Huzúr* Outward No. 252 of 1872-73. One Jáfar Lothan Thánaga applied for permission to cut some mango trees in *gurcharan.* Orders were thereupon issued that the word *málkichi,* proprietary, written against *gurcharan* number should be struck out. Extract (*vide* Exhibit No. 17) of this order is herewith forwarded. There are endorsements in Village Form No. 1 under the signature of the Assistant Collector to the effect that Government has right over all other trees except *injàili* ones. There is no order about it in the *táluka* records, but I understand that the endorsements were written under the authority of the order quoted above.

Q. 4.—Can you give the Commission a return showing the number of cases in which the people of the Murbád *táluka* were either executively or criminally dealt with in the matter of trees situated in village sites either in or out of private compounds during the period commencing with the date of the 1st order in reference to them and ending with its subsequent modification; a similar return also for the period commencing with the date of the order of modification and ending with 1885 ? In both cases you are requested to note the result of such interference and to specify whether the trees were situated within or without compounds.

A.—There were no cases in which the people were either departmentally or criminally dealt with for cutting trees in compounds in village sites.

Q. 5.—Can you give the Commission a return showing for each year during the period from March 1879 to the end of 1885 the number of cases in which the people of the Murbád *táluka* were executively or criminally interfered with in the matter of cutting *táhál* for *ráb,* and noting the result in each case ?

A.—The subjoined table shows the number of cases decided from the year 1879 to 1885 regarding the cutting of *táhál* for *ráb* in *gurcharan* numbers :—

Forest Offences.

Year.	Total Number of Cases.	Number convicted.	Num discharged.
1879	4	4	.....
1880	1	1	.....
1881	1	.....	1
1882	1	1	.....
1883	.....	.....	.....
1884	3	3*	.....
1885	.....	.....	.....
Total ...	10	9	1

* The conviction in these cases was reversed by the High Court.

Persons against whom charges were not substantiated were discharged, but those who were convicted were punished with fine and imprisonment. In the year 1885 the people who cut *táhál* in *gurcharan* were not prosecuted; but they were made to pay, under orders, the value of the *táhál* cut. There were, I believe, in all 143 such cases.

Q. 6.—Do you know if with reference to any matters alluded to in the previous three questions you or any of your predecessors thought it your duty to represent the hardship caused for the consideration of your superiors; if so, will you, please, produce the correspondence that may have taken place ?

A.—The copy of the report No. 130 *Huzúr* Outward, dated 23rd December 1882, about the oppression by the Forest Department is marked as Exhibit No. 7, and another report No. 634, dated 1st April 1885, on the same subject, is marked as Exhibit No. 8 to my statement. (Papers withheld under orders from the Collector).

In the year 1884-85 an order was issued to the effect that a fee of four annas be levied per cart-load of *táhál* cut in *gurcharan* numbers by people according to their *vahivát*. Thinking that this order would operate harshly on the poor I recommended to the Assistant Collector that no fees for *táhál* should be levied. The Pránt officer thereon directed that one anna per cart-load be levied.

Q. 11.—Do you know if since the erasure of the *sheras* Government realized any revenue by putting to auction the usufruct of the trees specified in the *sheras*, and, if so, what did such auction realize for the period from 1882 to the end of 1885; also will you state if any of the trees have been cut down and sold on behalf of Government ?

A.—After the *sheras* regarding *málki* trees in Village Form No. 1 were erased, the fruit of a mango tree standing in the *gurcharan* number at Murbád and belonging to one Shridhar Jagannáth was, in the year 1883-84, sold by auction and the proceeds, Rs. 10-4-0, were credited to Government. But when the owner made a petition in this matter his right to fruit alone was recognized, while the tree was declared to belong to Government under orders referred to in answer to question No. 3.

I forward herewith a list of *sheras* which shows how the *sheras* against *gurcharan* numbers were written in the *suds* by the Survey Department (*vide* Exhibit No. 18). The monopoly for collecting *palas* leaves was not sold by the Revenue Department, but was given out by the Forest Department in the year 1882-83 for Rs. 5-8-0. I learn through the Forest Department that since then there have been no orders to put up to auction the right to collect *palas* leaves.

Copy of the circular order No. 43, dated 16th December 1882, in which the definition of the wood used by carpenters is given, is marked as Exhibit No. 6 to my statement, but this copy has been withheld in accordance with the Collector's orders.

The order as to what rights the rayats had at the time of the Survey, as regards the cutting of *táhál*, &c., in *gurcharan*, is not forthcoming on the records of this *táluka*. The people say that they were given to understand at the time of the Survey that nobody would be prevented from exercising his rights of cutting *shindád* in unassessed *gurcharan* numbers, &c., and so their *vahivát* of cutting *shindád* in *gurcharan* number has continued uninterrupted. I append a list of lands set apart for forests before the Forest Act of 1878 came into force (*vide* Exhibit No. 19). No circular orders about forest matters are forthcoming between 1817 and 1839.

Witness No. 13—(Sháhápur *Táluka*).

22nd January 1886.

Bálkrishna Lakshman Pattekar, a Parbhu, cultivator and money-lender, aged 45, residing at Sháhápur, stated in reply to questions

By the Secretary, Thána Forest Association,

I practise as a *mukhtyár* and am a nominated member and Vice-President of the Táluka Local Board. I am Secretary of the Forest Branch Sabha at Sháhápur. The *sabha* was started three years ago, *i.e.*, in December 1882. We have raised about Rs. 2,700 by subscription. I hold *suti* lands in six villages measuring 150 acres *varkas* and fifty-one acres *kharíf*. I pay about Rs. 225 as assessment. Of the six villages, one is a forest village. It is called Sájivli. Inhabitants of about six or seven villages resort to the forests of Sájivli. They take *khair* wood for ploughs. Formerly there was a thick growth of *khair* in the jungle. But it was cut away to supply wood for railway fencing. The cutting of *khair* and other wood was carried on also in several other villages. There are about thirty villages in the *táluka* having large forests. Inhabitants of twenty-five to thirty villages resort to the forest of Kudshet. These people would be seriously inconvenienced if prohibited from resorting to this forest. We do not complain if the people of other villages resort to our forests because they have been in the *vahivát* of doing so from time immemorial. We similarly resort to other villages such as Máhuli, Kángaon, &c., for things which we cannot obtain from our forests. If the inhabitants of villages, who have not been in the habit of resorting to our forest, were now compelled to do so by being deprived of their forest area, we would not object. There are a few trees on my *málki varkas*, which have remained in the same condition since the Survey. In some places the teak has increased at the expense of other trees. The *táhál* obtainable from my *varkas* is insufficient for my *kharíf* cultivation. The reason of this is that the teak trees crowd out the other trees and prevent the growth of grass and we are not allowed to lop the teak. If I had four acres of *varkas* to one acre of rice and were allowed to lop the teak, I would not have to go to the *gurcharan* for *ráb*. I supplement my *ráb* supply at present by resorting to *gurcharan* according to *vahivát*. We have separate pieces of *shindád* in the *gurcharan*, the *vahivát* of which goes with their corresponding *kharíf* plots. Sháhápur was surveyed and settled in 1864-65. We did not know at the time that our *shindád* lands were included in the *gurcharan*. We came to know this two years afterwards when a man was fined for unauthorized cultivation in it. I did not personally show the boundaries of my *shindád* to the measurers at the time of the Survey. Complaints were however made afterwards, which were finally disposed of by an order from the Collector (No. 36, dated 25th January 1870). This order virtually allowed the rayats to use their *shindád* lands. We have been using the *shindád* lands in accordance with this order ever since. Some of the *shindád* lands have now been included in Protected forest and a few in Reserved forest but our *vahivát* has not been interfered with. The villagers of Cherpoli paid to Government Rs. 14, about twenty years ago, to meet the expenses of marking off the *shindád* lands, but the lands have yet remained unmarked and the money has not been paid back. In the following cases, people were punished for appropriating *injáili* wood from their occupied numbers for domestic consumption.

1. Bál Pátil Námáji Pátil of Dhámni was sentenced to six days' imprisonment and fined Rs. 5 for appropriating a fallen *mowra* tree in his service *inám* in 1881-82.

2. Sakhárám Nathu Pátil of A'sangaon, was sentenced to fifteen days' rigorous imprisonment for having cut and removed ten or twelve *injáili* rafters from his occupied numbers in 1881.

3. Náma Nathu Choudhari of Kavdás, was sentenced to imprisonment for having removed fallen *mowra* wood from his occupied land in 1881.

4. Cháng Pátil, Dhámb Pátil and his son Dharma of Gotheghar were sentenced first to twelve days' imprisonment and Rs. 5 fine, the second to six days' imprisonment and Rs. 15 fine, for having removed one wind-fallen *ain* tree from their occupied land in 1881.

These prosecutions were conducted by the Forest Department. There were no appeals preferred against the above-named decisions. I state that the wood was fallen-wood in three of the instances named above, from the evidence recorded at the time, which I heard personally. In 1883 and 1884 there were some seven or eight prosecutions for removal of wood from *gurcharan*, *i.e.*, Protected forest, but the High Court quashed the sentences in these cases. Before the *gurcharan* was notified as Protected forest, the people resorted to it for their fuel supply, for which no permission was obtained. Teak, blackwood and *tivas* have been reserved every where in the *táluka*. No one in the six villages have to my knowledge cut wood of any kind for sale.

Thákurs and Kátkaris live in all the six villages in which I hold lands. There are about fifteen houses of Thákurs, and three of Kátkaris in Sájivli. Four or five of the Thákurs hold lands, the rest either cultivate on annual leases or work as agricultural

labourers. One Kátkari holds a small plot of land. The wild tribes obtain employment in agricultural operations for about four months in the year. When so employed, they earn from two to three annas for males and two to two annas and a half for females. At other times they take fire-wood from the jungles of Sájivli and Páchivri, to Sháhápur, Khardi and Saralámbe. They also fetch leaves and other minor produce. A head-load of firewood is sold for one and a half to two annas. It has to be carried six to eight miles from the jungle. One trip generally takes two days. A good head-load weighs thirty to forty pounds. Formerly the wild tribes sold firewood invariably to the people of the *táluka*, but latterly Government having allowed them the special indulgence, they have been selling it to the dealers at a little higher rate. The dealers exported the wood thus brought to Bombay by rail. They have very lately ceased to purchase the wood from the Thákurs because some green wood found in their possession was attached by the Forest Department. Thákurs work honestly but they are not up to hard work. No reliance can be placed on Kátkaris. They are addicted to drinking, but liquor has become dear, and the less they get it the less work do they do. To make a Kátkari work well he requires liquor from a bottle to a bottle and a half of 25° U. P.

25th January 1886.

I do not know of the land-holders or traders of the *táluka* advancing money to the Thákurs or other wild tribes against collection of forest produce. I supply myself with firewood by purchasing head-loads from Thákurs, Kátkaris, &c. About 1881-82 an order was issued prohibiting the cutting of trees within village sites. In consequence of this order, people were charged the value of the trees cut from the compounds of houses. One Ganu Andádya of Sábgaon felled a *bor* tree; Re. 1-1-0 were levied from him as the value of the wood so cut down. Agricultural depôts were established at one time in the villages of Asangaon and A'tgaon. People brought some teak wood fit for agricultural implements out of these depôts. No one would buy the ploughs because they had to be paid for, and they could obtain the same from the jungles without any payment. If the depôts were well stocked with all things needful and it cost no more to get the things from the depôts than from the jungles, the more wealthy rayats would resort to them, but those who habitually provide these materials by their own labour would not go to them. One Dhondu Shiváji Shinde, forest guard, was convicted of theft of money, while searching a house and sentenced to two months' rigorous imprisonment. This decision was upheld on appeal by the District Magistrate. I do not know whether he was dismissed or not, but he is now employed in the Forest Department at Máhím. I believe the traders are treated by the Forest Department more leniently than the rayats. For instance, in one case one Háji Ahmed, a *kolpát* or dead wood contractor, was made to pay Rs. 100 for cutting 100 standing teak trees of rafter size, while a *pátil* and two others of Dhámni were sentenced to imprisonment for cutting a teak rafter. The cutting of the 100 rafters was brought to light by the village officers, while the other case was reported by the forest subordinates. The guard in charge of Birvádi forest who failed to report the theft of 100 rafters has, I understand, been dismissed. One case of forest theft from the village of Khaire was brought up before the second class magistrate of Sháhápur in 1884. The magistrate found the case was trumped up by the forest guard and he therefore dismissed it. In the same year four or five persons of Umbrai were prosecuted for forest offences but were discharged by the magistrate. I believe these cases were got up owing to the refusal of the accused to furnish carts to take *mowra* flowers to Sháhápur. Steps were taken last year to levy fees on *táhál* loppings from *shindád* in *gurcharan* lands, but they were subsequently, *i. e.*, after the appointment of the Forest Commission remitted under the Collector's orders. One rayat of Ságaon, who holds land in an adjoining village of the Murbád *táluka*, has had his property attached for non-payment of a similar fee on account of loppings in that *táluka*. If the work of forest conservancy were entrusted to the village officers, the work would be conducted in an efficient manner, and the people would co-operate more cordially in case of fires, &c. This co-operation cannot be secured unless the people got all that they want. Certain endorsements regarding the proprietary right to fruit trees in *gurcharan* lands, recorded in Register No. I of the village of Sájivli, were subsequently erased. In order to supply the wants of the people I would recommend that village forests should be formed and their management entrusted to Local Boards under the general control of the Revenue Department.

By the Commission.

Q.—You have said you did not show to the Survey measurers the boundaries of the *shindád* lands which were then included in the *gurcharan*, was this because you did not care to have them entered in your name and to pay assessment for what you had previouly enjoyed and because you supposed you could continue to get the same produce from the lands whether you paid assessment or not?

A.—No. I did not point out the boundaries because I was not asked to do so. We were asked only to point out lands which we actually cultivated. The measurers informed us that we would not be interfered with regard to our use of the *shindád* lands except for cultivation.

I believe that forest fires have no ill effect upon *injáili* trees, though it may occasionally injure teak. Contractors do injury to forests for manufacturing dead wood. The actual injury is done by the servants of the contractors. As a rule Kunbis, (agriculturists) do not take employment under the contractor; only those who have no other occupation do so. Kátkaris do take employment. Agriculturists having carts hire them to contractors. As a rule cartmen do not assist the contractors in collecting wood, sometimes they do. This trade lasts from January to the end of April. If the *kolpát* contracts were abolished, the cartmen would attend better to their cultivation. All the by-hill forests are generally fired while the forests which people frequent are not so fired. The forest fires are caused by friction of branches, and by the carelessness of the Kátkaris and others frequenting it for fuel, &c. People never set fire to the jungles out of spite against the Forest Department. If the village forests were portioned off to supply the wants of the forest and non-forest villages, there will still be left here and there lands in larger forests which could be retained as reserved forests and in which the people need not go at all. For instance, the lands under Máhuli forests which comprise forests of some ten villages, and some area on the Ghâts, and a small portion of Kudshet and Dhasai might be reserved exclusively for Government.

WITNESS No. 14—(SHÁHÁPUR *Táluka*).

25th January 1886.

A'BA GAURU SAPA'T, a Marátha, cultivator, aged 45, residing at Hinv, *táluka* Sháhápur, stated in reply to questions

By the Secretary, Thána Forest Association,

I cultivate four acres of rice land as a sub-tenant. I have to pay *makta* of three candies to the landlord. The land is assessed at Rs. 13. There is no *varkas* land attached to my field. I get my *ráb* material from a defined portion of the *gurcharan*. This portion has always supplied *ráb* to the land that I cultivate. I have been cultivating the land now in my possession for about fifteen years. I have never been prevented from removing *ráb* from my *shindád*. I lop branches of *ain, dhávda, bonda* and *palas* for *ráb*. I go to the forest of the village for fuel. Other people also resort to separate portions of the *gurcharan* according to their individual *vahivát*. We get our plough material from the forests. I am not aware of any agricultural depôts being opened in my neighbourhood. Our requirements cannot be satisfied by the wood being stocked in depôts. We must select our wood from the jungles. We are interfered with by the forest guards when we are found removing wood, and we have to pay them hushmoney. Last month I paid four annas to two forest guards who had come to search my house. I had no money with me so I had to borrow of my son-in-law. I do not know the names of the guards as they were new men, but I think I shall recognize them. They demanded some present as they said they had not received anything last year. I never paid any presents to forest guards before. I have five head of cattle. All their monsoon droppings are utilized for *ráb* burning. The *ráb* supply from the *shindád* land has become less in recent years owing to the increased growth of teak. About five years ago I complained against a forest guard named Dhondi. He searched my house and stole Rs. 11 therefrom. He was convicted and sentenced by the Magistrate to undergo rigorous imprisonment and to pay a fine of Rs. 10.

By the Commission.

I did not complain to the *sarkár* or Government about the payment of four annas because I gave the money willingly. I thought by so doing I should not be prevented from getting wood for my plough but I would be prevented from removing wood for building purposes.

WITNESS No. 15—(SHA'HÁPUR *Táluka*).

26th January 1886.

DEU BIN PÁLU HINDOLE, a Thákur, cultivator, aged 35, residing at Kudshet, *táluka* Sháhápur, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold land assessed at Rs. 7-12-0 in Kudshet, three *bighás* of it is *kharíf* or rice land. The *varkas* is about eight acres. I hold twelve *bighás* of *mál varkas* in the village of Neruli. It is assessed at Rs. 3-2-6. I am *vatandár pátil* of Kudshet. There are fifteen houses, all belonging to Thákurs, in the village. Five persons besides myself hold lands, others cultivate small pieces of the *gurcharan* and also work as agricultural labourers.

They grow hill grains in the *gurcharan*. Some of the lands of the village have been bought by *sávkárs*, but they are cultivated by two Thákurs. The Thákurs are employed in fields for about three months as agricultural labourers; at other times they fetch wood from our village forest and take it to Kinavli for sale. Kudshet has small hills covered with forest. The people of about twenty villages such as Málegaon, Bendisgaon and Umbhrai resort to it. Kinavli is about four to five miles distant from Kudshet. One good head-load fetches about one anna and a half. Wood is taken to Kinavli once a week, *i.e.*, on the market day. A woman's load fetches an anna and a boy's load nine pies. The Thákurs also take to the same market other forest produce such as *kárvi*, fibres, &c. The people of non-forest villages, who resort to Kudshet jungle, remove therefrom wood for agricultural implements, fuel, *kárvi*, fibres, fencing materials, &c. We do not suffer any inconvenience by these people using our forest. We therefore never object to their use. They have been using our forest from time immemorial. The people of Kudshet resort to non-forest villages for mangoes, drinking water, and fishing. My *varkas* land has some teak, *ain* and *dhávda* trees, but as the teak is rather thick the loppings of other trees do not afford sufficient *ráb* material for my *kharíf* cultivation, so I get my supply supplemented by cutting it from the *gurcharan*. Other cultivators also resort to it. We have each a separate piece in the *gurcharan* from which we draw our *ráb* supply. In the one or two cases in which *kharíf* lands in my village were transferred by sale, the *varkas* land appended to the *kharíf* holdings, including the *shindád*, was also transferred. There is some portion of the *gurcharan* outside the individual *vahivát* of cultivators; this is used as a comman ground by all. Teak, blackwood and *tivas* are reserved by Government, in all occupied lands, but we do not cut *khair* also as it is full of thorns, and we cannot get to it bare-footed. We go to the Government forest to get such materials as are not to be had in the *gurcharan* such as rafters for houses and wood for ploughs, &c. There are two forest guards set to watch the Government forest and we have to bribe them to secure their connivance at our use of the forest. Last year we raised Rs. 2 by subscribing two annas per house and paid them to the forest guard named Dháku. We intended that the hush money should secure the good will of both the guards. The subscription was collected by me and handed to Dháku in the presence of one Gomya bin Kálu Hindole. Dháku said: Unless you give me some present, I shall not allow you to touch even a leaf out of the forest. Then we considered among ourselves and decided to raise Rs. 2 by subscription at the rate of two annas per house. We all gave this money willingly because we were entirely dependent upon the guard's connivance for our supply of forest produce. All the villagers were collected under my *mándav* when the guard Dháku demanded payment. Dháku was not then accompanied by the other guard. This latter guard never demanded any money of us. The money was paid nine days after it was demanded and on the day following the *bázár* or market day. This occurred in the month of *Chaitra* or April last. The money was paid to Dháku under a *bor* or jujube tree in my compound just before sunset. Two whole rupees were paid. At Kinavli I got the copper collected in the village changed into rupees. The forest guard never lodged any complaint either against me or any of the villagers. We never cut any wood in Government forests except the dead *injáili* trees. I do not know what prohibitions there are as regards cutting of trees in forests except that teak, blackwood and *tivas*, have been reserved everywhere. We paid the guard because he interfered with us in removing fuel, *kárvi*, &c. I did not complain to any Government officer of this interference, not even to the *taláti* because the guard threatened that he would stop supply if we made disclosures. I make bold to make a clean breast of it here, leaving my fate or the result in the hands of the *dhani* (Commission). I paid Rs. 2 once before to Dháku's predecessor, Tukárám Bhagáji. I cannot say when as it was such a long time ago. I do not know of any other previous payment as my father was then alive. I understand that it will be necessary to repeat this payment every year. I attended a meeting of the inhabitants of the *táluka* held at Sháhápur about four years ago. We paid subscription at the rate of five annas per house to get the prohibitions as regards cutting of wood for fuel, for agricultural and building purposes, &c., removed. We paid our subscriptions willingly.

By the Commission.

In my father's time Háji Ahmed cut some teak from *málki* numbers in the village. The contractors of *kolpát* and *kita* get the dead wood collected through their servants. They also employ Kátkaris for the work. The wood is carted away by Kunbis residents of surrounding villages under permit. I cannot read and write. My annual remuneration as Revenue and Police Pátil is Rs. 2-8-0.

WITNESS No. 16—(SHA'HA'PUR *Táluka*).

26th January 1886.

SAMUDRYA BIN VIKRAMYA, a Káthodi, labourer, aged 50, residing at A'sangaon, *Táluka* Sháhápur, stated in reply to questions

By the Secretary, Thána Forest Association,

There are twenty-five Kátkaris' huts at A'sangaon. I am the *náik* or head of the Kátkaris in my village. None of us holds land. We employ ourselves as agricultural labourers, bring head-loads, and do fishing. We do not cultivate on our own account, as

we do not possess cattle and money. We find work in fields for about two months in the year. When a Kátkari is employed on preparing land by ploughing he gets Rs. 4 besides food for the job. He is also employed for transplanting, which lasts for about a month and for which he gets Rs. 2 besides food. At harvest time, the rates of wages are three and a half seers of paddy and two meals per day. We can get employment at harvest time for about a fortnight. When the transplanting is finished, the farmer generally allows every Kátkari about half a bottle of liquor to drink. I would drink half a bottle of liquor every day if I could get it, but now I only drink once in four or five days. The price of one half bottle of liquor is 2½ annas. At other times we sell forest produce or employ ourselves in collecting dead wood for the contractor. A hard working man can cut and collect three cart-loads of dead wood in three days. For this he gets Re. 1. A less able-bodied man would do the same work in five or six days. Of the Re. 1, eight annas go generally to meet the household expenses, the grain flour which has to be taken into the jungle costs four annas, the fish and condiments cost two annas, and two annas go to supply the drink and there is an end of it. The Kátkaris of A'sangaon get this sort of work for about three months in the year. Those who cannot get other work take fuel to Sháhápur and Vásind for sale. A good head-load fetches about two annas. We bring fuel from the jungle of A'sangeaon and Máhuli. The forest guards object to our taking wood of any kind from the forests but we disregard their protest and remove wood all the same. Sometimes even when he meets us in the jungle, we disregard his objection and remove the wood. If we did not do so we would starve. We never pay him anything as we are too poor to pay. In the month of September last, some timber was cut by Government in the forest of Máhuli. We were employed to cut the wood and got wages at the rate of four annas per day. The work lasted for four weeks.

By the Commission.

The name of the wood contractor for whom I work is Kála Ahmad. We never sell any head-loads to him or any other trader. We cannot *shikár* now as we have been deprived of our bows and arrows. Five or six years ago, the Police ordered their destruction. We collect *tembhurni* leaves for the contractor. A man collects in a day leaves worth about 1½ annas. Whether the leaves are sold to the contractor or to a Bania, it would not make any difference in the price which we realize. The Kátkari population has nearly doubled in our village during the last thirty years. The increase was not due to immigration but to increase of population. It takes half a day to collect a head-load of fuel.

I have to buy one *kámbli* or blanket, one head-dress and one *langoti* every year for my own use. One *lugde* is necessary for my wife and some little clothing for the children. The clothes cost about Rs. 4 every year.

WITNESS No. 17—(SHÁHÁPUR *Táluka*).

27th January 1886.

GANPATRÁO RÁOJIRÁO DESHMUKH, a Marátha, cultivator, aged 42, residing at Khardi, stated in reply to questions

By the Secretary, Thána Forest Association

I am an elected member of the Táluka and District Local Board. I am *vatandár pátil* of Khardi. I have officiated as *pátil*. I am not now in office. I am *deshmukh* of Khardi *máhál*. I receive some cash allowance on that account. There are some nineteen villages under Khardi *máhál*. I am familiar with the inhabitants of all these villages as they come to me frequently for the settlements of their disputes, &c. I hold *pátilki inám* land in Khardi. It consists of nine or ten acres of *kharíf* and twenty-five to thirty acres of *varkas*. I hold some *suti* land besides. It consists of about ten acres of *kharíf* and seventy acres of *varkas*. I hold some little land also in two other villages, namely, Dhámni and Tánshet. The total area of Khardi is 200 acres *kharíf* and 784 acres *varkas*. The Survey measurement of Khardi took place in 1860-61, and the Settlement was introduced in 1864-65. Some of the *varkas* land of Khardi has been included in the *gurcharan*, in the other villages the measurers first measured off the *kharíf* land and then broke such *varkas* land as had no forest on it, into separate survey numbers. Some of the *shindád* lands used by the cultivators were thus left unmeasured and they were included in the *gurcharan*. When the Survey operations were going on in the district I was called upon to assist the surveyors in virtue of my office as *deshmukh*. I know that some of the rayats' *shindád* lands which they desired to be measured off separately, were not broken into numbers. When the Survey Settlement was introduced, the settling officer did not grant any permission to use the *shindád* lands, but I believe afterwards when the people complained, orders were issued allowing the *shindád* land to be used as before. I do not know by whom. The people still continue to use their *shindád* pieces severally in the *gurcharan*. Some portion of the

gurcharan whenever the area is large is generally left as a common ground for the use of the village people. This is the case in Dhámni. In smaller villages, such as Tánshet and Bendikon, the whole of the *gurcharan* is parcelled out among the cultivators. Except in a few occupied *varkas* lands, there is not much *ráb* material to be had in the lands of Khardi, nor do the people resort to other villages for the same. They burn their seed-beds either with cow-dung and grass or with grass alone. The *gurcharan* of Khardi is full of stones and there is very little grass grown on it. The village cattle are therefore in the habit of going to the pasture lands of Dahigaon, Palshen, Tánshet and Káshti. The villagers of Khardi obtain their fuel-supply and wood for agricultural implements from the forests of Ajnup, Dhámni, Káshti, Dalkhan, and Dahigaon. The villages of Dhámni, Birvádi, Borala and Talváde have large forests within their limits. Some of the non-forest villages of the *táluka* resort to the jungles for forest produce. The inhabitants of forest villages do not show any jealousy towards those of the non-forest villages for their use of their forests as they have been in the habit of doing so long since. The inhabitants of about fifteen villages resort to the villages of Dhámni for fishing. If a resident of Bombay sought to remove the forest produce from our forest, we would object as he has not the *vahivát*. We would do the same if he attempted fishing within our limits. Dhangars from above the Ghâts bring their cattle to graze in the jungles of Kására, Ajnup and Velup every year. They come in about July and remain for three months. Whenever they have to graze their cattle in forests or *kurans*, the grazing of which has been auctioned, the Gavlis make arrangements with the contractors. They generally have to pay at the rate of one anna per head. If these cattle graze on the village *gurcharan* people do not object, because the villagers get the manure, and their breed of cattle is improved thereby. They also get *ták* or whey from the Gavlis. There are some Thákurs and Kátkaris both at Dhámni and Khardi. They fetch fuel and *kárvi* from the jungle. The *kárvi* is sold to the villagers and the fuel to the wood dealers at the station. The people of surrounding villages within a radius of about six miles bring fuel for sale at Khardi. The same thing happens at the other railway stations in the *táluka*. A head-load fetches from one and one-fourth annas to two annas and a half according to size when sold to traders; the value of the same when sold to the local consumers is about one-half. The consequence is little or none is brought to the village. This furnishes employment to the Thákurs and Kátkaris for about five months in the year, *i. e.*, from January to May. Agricultural depôts had been established at all railway stations in the *táluka*. There was a depôt at Khardi; people brought building timber from the depôt in a few cases, but the wood for agricultural implements and domestic use was brought from the forests just as before. They supply themselves in the same manner even now; they fetch building timber also without payment since the abolition of the depôts. The depôts failed because they were not stocked with suitable wood, the prices were too high and Thákurs and others could not afford to buy it. What is said above about Khardi applies equally to all the other villages in the *máhál*. Under the present orders the people cannot bring such forest produce openly. I am unable to say how people manage to bring it. Although I have heard reports from other people about it, I am unwilling to disclose them. I have not brought any of the prohibited articles, as I get enough supply from my *varkas* lands. As *pátil* I did not think it my duty to bring to notice that the prohibitions were not being obeyed, because it was known already to all the forest and revenue officials, high and low. One Bál Pátil of Dhámni was sentenced to six days' imprisonment and to pay a fine of Rs. 5 for having cut a *mowra* tree from his *inám* number, but he was allowed to remain in office as the magistrate recorded in his minute that he should be restored to office. In the village of Velukh, Ganga Bápuji Pátil and his brother were sentenced to rigorous imprisonment for one month each for having cut twenty-five *injáili* rafters from their *pátilki inám* holding. Ganga Pátil was dismissed from the service and the Collector has since refused to admit either of them to serve as *pátils*. One Hari Sakhárám of Dalkhámb asked for permission to cut about forty *injáili* trees from his occupied lands for building his own house about six months ago, but he has not as yet received the permission. Sakhárám is the registered occupant of his lands.

By the Commission.

The *gurcharan* in some of the villages is insufficient for the village cattle, but taken all together it is sufficient. There has been no change in the rate of head-loads brought by Thákurs, &., since the *kolpát* contracts were discontinued. Formerly they were brougnt from the forests, occasionally green wood was also brought by the wild tribes. After the abolition of the *kolpát* contract the demand for head-loads rapidly increased until the Kátkaris who were found to cut green wood both from *málki* and Government numbers without premission when reported against by the *pátil* of the village of Dalkhámb. The matter is now being inquired into. The wood purchased by the traders is of superior quality and fetches higher price; what is sold to the people is inferior *kolpát* and its price is also lower on that account.

WITNESS No. 18—(SHA'HA'PUR *Táluka*).

28th January 1886.

Ráv Sáheb NÁRÁYAN VÁSUDEV KUNTE, a Bráhman, *Mámlatdár* of Sháhápur, aged 51, residing at Sháhápur, stated in his examination

By the Commission,

I have been *mámlatdár* for the last six years. I was transferred to Sháhápur two years ago. The present *táluka* of Sháhápur was formed in 1866. There are 282 villages, in all in the *táluka*. Of these 185 villages formerly belonged to Kolvan, 78 to Murbád, and 13 to Bhivandi. Kolvan was settled in 1864-65; Murbád in 1859-60, and Bhivandi in 1860-61. Except in the villages in the Mokháda *Peta*, *varkas* lands were broken up into survey numbers at the Survey and were entered in the names of those who had the *vahivát* of them. Some of the *shindád* lands used by the people were not so broken up at the time as they contained forest. This was the case in Kolvan. I do not know exactly what took place in Murbád and Bhivandi. People desired that their *shindád* should be separately measured, but the measurers said that pending demarcation of forest, they had no orders to mark off such lands. But people have been allowed to take *táhál* from the *gurcharan* lands according to *vahivát* under orders from the Collector issued in 1867 and 1873 (*vide* Exhibits Nos. 20 and 21). Wherever the *varkas* lands used as seed-beds were not included in the rayats' numbers, and they have continued to use them as such, they were charged up till 1884-85 the assessment due thereon and the usual penalty for unauthorized cultivation. The Commissioner, N. D., has since ordered the remission of the penalty, and only the assessment is now to be levied till the Revision Settlement (*vide* Exhibit No. 22). The above-mentioned practice prevails in all the villages of the *táluka* except the Mokháda *Peta*, *i.e.*, the villages transferred from Kolvan, Murbád and Bhivandi. Some of the villages in the Mokháda *Peta* are held on the *nagárbandi* system and the others on the *khás* system. In the villages coming under the latter class, some of the rayats' *shindád* lands were included in the *gurcharan*, but they have been allowed to use them, as formerly, under the orders mentioned above. In a memorandum (*vide* Exhibit No. 23) supplied to the *mámlatdár* of Sháhápur by the Survey Superintendent under date 10th April 1867, the terms of the Settlement of the Kolvan *táluka*, as announced to the people at the time of the *jamábandi*, have been mentioned. By clause 4 of this memorandum the people were allowed to use *injáili* wood in *málki* numbers for agricultural and domestic purposes, but they were prohibited from cutting it for trade. Teak, blackwood and such building timber as may be reserved by Government were reserved exclusively. Up to 1870 no permission was required for cutting wood from *málki* numbers for the agriculturist's own use. Since 1870 it has been customary to obtain permission. How this practice sprang up I cannot say. There is a later order from the Collector forthcoming on the same subject. It is dated 3rd March 1883. It lays down certain rules for obtaining permission by the rayats to fell in their numbers. The practice is now regulated by the rules promulgated in Government Notification dated 15th October 1884. At the Survey Settlement the assessed unoccupied lands were entered simply as *ákáripad*. The following entries are found recorded in the *suds* opposite unoccupied waste numbers:—

1. *Ságáche rakshan karun vancharáiche darsál liláv karáve.* Grazing to be sold every year by auction preserving the teak.
2. *Vancharái kade darsál liláv karáve.* For grazing, to be sold by auction every year.
3. *Sarkári vancharáiche liláv karáve.* Government grazing to be sold by auction every year.
4. *Gávche rán.* Village forest.
5. *Sarkári rán.* Government forest.
6. *Darsál gavatáche liláv rulipramáne karun ántil jangal sarkári rakshanákade.* Grass to be sold by auction every year according to rules, forest in it to be preserved for Government.
7. *Sarkári ránáche rakshan karun gure chárávi.* Cattle to be grazed free preserving the Government forest.
8. *Ránáche rakshan karun gure mophat chárávi.* Cattle to be grazed free preserving the forest.
9. *Ránrakshan karun gure chárávi.* Cattle to be grazed preserving the forest.
10. *Gurcharnikade mophat.* For free grazing.
11. *Sarkári gurcharnicha.* Government grazing.
12. *Ságáche jhádáche sanrakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving teak trees.
13. *Ránrakshanákade thevile áhe, tyáche jhádáche rakshan karun gure mophat chárávi.* Assigned for preservation of forest; cattle to be grazed free preserving the trees in it.
14. *Gávche ránákade va gurcharnikade dila áhe yánt lavni hou naye.* Assigned for village forest and grazing; cultivation in it not to be allowed.
15. *Gávche rán rakshan karun gure chárávi.* Cattle to be grazed preserving the village forest.

The above endorsements have all been recorded by the Superintendent of Survey at the time of preparing the *suds*.

The *varkas* lands of the *táluka* are required to be kept fallow for a period of two to six years according to their quality, after taking crop from them for two years. In burnt seed beds, crops are raised for three years successively. Inferior rice lands require more *ráb* than the lands of superior description. About four to six acres of *varkas* is required according to the quality of the rice land, to every acre of rice to supply the *ráb* materials. When the rice land is inferior the seed bed is required to be proportionately larger, as more seedlings are required. The inhabitants of hilly tracts require also more land for cultivation of hill grain, which is their staple food. In villages towards the Ghâts the proportion of *varkas* should, I think, be 9 to 1 acre of rice; about Khardi and Atgaon, six or seven acres of *varkas* to one of rice will be enough, and in the villages adjoining Vásind four acres of *varkas* to one of rice will suffice.

The *gurcharans* set apart at the Survey and endorsed in the manner specified above (*vide* items 7 to 15) are sufficient for the requirements of the cattle of the *táluka*. About 2,000 head of cattle come to Sháhápur villages to graze every year from above the Ghâts. They remain there for about three months. They graze in the *gurcharan* lands and other unoccupied lands, the grazing of which is sold by auction. The owners of these cattle pay a small fee to the auction-purchasers. The fee varies from one to four annas per head for the season. Whenever the supply of grazing in one village is insufficient, it is customary for the cattle of such village to visit the neighbouring villages which may have a better supply.

29th January 1886.

The *táhál* supply available from the occupied *varkas* is not in all cases sufficient for the cultivation of rice and *nágli*. From the time of the Survey up to the time of the forest restrictions, people took *táhál* from all the waste land within reach irrespective of any *sheras* like those above quoted and except perhaps in the forests which were demarcated as Imperial reserves in 1866-67 in nineteen villages. The word *ránrakshan* used in the above *sheras* has not been understood to bar the lopping of trees for *ráb* in that area. The endorsement *sarkári rán* occurs only in the nineteen villages where some land was demarcated as Imperial forest, and in these cases the people were not allowed to cut *táhál* from such lands. I understand that the words *sádháran upayogákarita rákhlele jangal* apply only to the village forests demarcated in the nineteen villages. I consider that allowing the people to lop trees is not inconsistent with the wording *ránrakshan karun*. I understand by the word *ránrakshan* allowing the trees to grow; if the trees are lopped they remain the same and do not grow. In order No. 86, dated 6th March 1874, the Collector directed that lopping for *táhál*, in addition to that allowed in *gurcharan*, should be allowed in village forests, but the seventeen kinds of trees therein specified and the fruit trees were not to be touched. Where the forests were not demarcated, the Collector was to decide what forest was to be thrown open for lopping. Government forests are not to be allowed to be lopped. This order was based on Government Resolution No. 294, dated 20th January 1874. Several orders allowing lopping in Protected forests subject to certain restrictions were issued between 1874 and 1883. I put in copies (*vide* Exhibit Nos. 24—31) of the same. The forest lands of this *táluka* were first demarcated in 1866-67 and 1867-68 by Messrs. Campbell and Lloyd. In nineteen villages 13,820 acres were marked off as Imperial forest. In the village registers of Kolvan villages an endorsement is written to the effect that occupants have no right to the trees in occupied lands but that they may cut for their own use all trees except teak, blackwood and *tivas*. In Murbád and Bhivandi village registers contain an entry to the effect that the occupants had right to everything except teak, blackwood and *tivas*. These endorsements are signed by the *mámlatdár*. I cannot say now when and under what orders they were written. In some of the villages of Kolvan and other *máháls*, teak trees were sold to occupants of lands under Ellis' rules. In some cases the trees were bought by outsiders. I hand in a list (*vide* Exhibit No. 32) showing the trees so got rid of. The information about Mokháda villages is not at hand. The forest that has been notified as Protected forest is resorted to by the people for their fuel and wood for agricultural implements, &c. Thákurs, Kátkaris, Várlis and Kolis also fetch from it forest produce for sale. Thákurs cultivate to a large extent. Várlis and Kolis also cultivate, but to a small extent. A few of the wild tribes hold lands; but others cultivate small bits of *varkas* outside the Imperial forests. At the last *jamábandi* it was ascertained that about 1,000 persons belonging to these wild tribes cultivated without permission about 2,000 acres of waste land. The wild tribes generally find employment for three months in field work, but near railway stations and other centres of trade, they find employment for about six months. At other times they either cultivate or fetch forest produce for sale. This privilege is abused by the wild tribes selling fuel to traders for export to Bombay. They also cut wood in the jungle and remove it as dead wood. The evil had increased enormously this year, till the matter was brought to the notice of the Collector, and this has temporarily checked it. The wild tribes are strictly prohibited from selling wood for trade; but I think in one or two instances the District Forest Officer permitted the traders to buy wood of the wild tribes. I am of opinion that the wild tribes should not sell it to traders. I would recommend a heavy prohibitive duty on all wood exported from the *táluka* which is not covered by passes. I think these people should also be given lands for cultivation on annual leases. If the lands

are given permanently, they will be transferred to the creditors. The forests cannot strictly be conserved, if the Thákurs, &c., are allowed to remain in the middle of the jungle. It will be better in such cases to give them suitable and convenient land elsewhere. But it would be difficult to persuade them to move, even though suitable provision is made for them. I produce (*vide* Exhibit No. 33) the record of proceedings in which Dhondu Shiváji Shinde has been convicted under section 451 of the Penal Code. I produce (*vide* Exhibit Nos. 34-36) also the findings of magistrates in the cases Nos. 137, 140 and 190 of 1882 on the calendar of the Subordinate Magistrate of Sháhápur. From information collected during my tours I am led to believe that the forest officials of the *táluka* oppress the people and are corrupt. I have heard that the people give to the round guards and beat guards, with whom they come in contact, *nágli, vari, bhát, udid,* &c., and occasionally money. I believe it to be true. There was no regular complaint made to me about this state of things. The people do not like to complain for the fear of having to undergo additional oppression. The people do not understand that the conviction of one forest guard will have any wholesome effect on his successor. When I visited Kására this month an instance of impressed labour came to my knowledge. The forest guard in charge of that beat had compelled the whole village to collect a certain quantity of *dhávda* leaves for a very low rate. As the villagers complained, I interfered. The forest guard produced an order from his superior which fixed one pie per pound as the rate of wages which were to be paid. There were about thirty persons employed for two or three days in collecting these leaves and they earned Re. 1-8-0 for their work. The highest sum got by one of the villagers was one anna and ten pies and the lowest was four pies. I then heard also that, when *dhávda* leaves were collected before, nothing was paid to the villagers for their trouble. I did not meet any of the labourers who had not got any money before. I did not make special inquiry about this allegation and made no report about it. When I was a *kárkun at* Sháhápur on Rs. 25, I was transferred to the Forest Department as Inspector on Rs. 50. I was promoted there to Rs. 60, but as I preferred to revert to the Revenue Department, I came back on Rs. 30. This happened eighteen years ago. Ellis' Rules were applied to some of the villages in this *táluka.* I hand in a list (*vide* Exhibit No. 32) showing the villages which came under the operation of those rules. The rules were only partially applied in about thirty-two villages. I have observed the effects of the different reservations as to trees in occupied lands in Sháhápur, Khálápur, Kalyán and Máhim. I am of opinion that it would encourage the cultivators to improve the tree growth in their occupied lands, if some such regulations as the following were adopted with regard to them:—1. The proprietorship of all trees in occupied numbers, including teak, blackwood, *tivas* and timber of every description, should be transferred to the occupants. 2. The occupants should be induced to buy the reserved trees at a fair valuation; they should have the right to all after-growth. If in any case the standing timber were sold to an out-sider, he should be required to cut and remove the trees within a reasonable time and then all interference either on behalf of Government or the outsider should cease with regard to after-shoots. 3. The reserved trees in occupied numbers should be valued and they should be offered to the occupants in the first instance at three-fourths of the value. 4. The occupants should be at full liberty to cut whensoever and whatsoever they want for their own use, and also for the use of their tenants; but they should be strictly forbidden from selling without permission. Such permission should only be granted when there is a surplus stock of wood over and above what is necessary for the occupant's ordinary use. To induce the rayats to buy, it might be desirable to recover the value by instalments. If this is done I am of opinion that most of the occupants will buy the reserved trees in their lands and there would not be any necessity for Government to clear at all. If the right to reserved trees were thus disposed of and if small bits of *varkas* which should have been included in survey numbers, but which have been left unmeasured at the time of the survey, were given to the people, I think the occupants of land in forest villages of Kolvan will not have to resort to the forest for wood for their agricultural and domestic use. When I said above that four to six acres of *varkas* will be required for one acre of rice, I presumed that reserved trees were not to be lopped; if these trees were however allowed to be lopped, a less area of *varkas* will suffice.

2nd February 1886.

I think it is the duty of the *mámlatdár* to bring to the notice of the Collector the state of things as have been described above, but I have not done so because of a feeling that the Forest Department has a preponderating influence with Government and that a heavy responsibility would be incurred, if one failed to substantiate the allegations. In February last, at Khardi, I spoke to Mr. Loch and mentioned to him that the rayats suffered much annoyance in procuring *táhál, kárvi,* firewood, and wood for agricultural implements. I said nothing about corruption. Mr. Loch said that he had taken up the subject of *kárvi* and firewood supply, and that he would submit his report to Government on those two points; but it was useless to take up other matters as he would then have to fight out the question with the Conservator whose opinion would probably prevail with Government.

WRITTEN STATEMENT OF RÁO SÁHEB NÁRÁYAN VÁSUDEV KUNTE, *Mámlatdár* OF SHA'HA'PUR, IN REPLY TO QUESTIONS SUGGESTED BY THE SECRETARY, THA'NA FOREST ASSOCIATION.

Q. 1.—How do you interpret the *sheras 'rán rakshan karun gure mophat chárávi'*, *'gávche rán rakshan karun gure mophat chárávi'*, and other *sheras* of similar import?

A.—In all the survey registers against the numbers of unassessed waste land are made such entries as *'rán rakshan karun gure mophat chárávi'* (cattle to be grazed free, preserving the jungle), and *'gávche rán rakshan karun gure mophat chárávi'* (cattle to be grazed free, preserving the village forest); but the *vahivát* of the people is in no way regulated by the wordings of such *sheras* or entries. In such numbers they graze their cattle, and according to their wants lop *táhál*, cut wood for domestic and agricultural purposes, and bring forest produce for their maintenance. And if the forest is large, wood and other forest produce is sold by the Forest Department. As there was no settled form of the wording of these *sheras*, the survey officers entrusted with the work wrote the *sheras* in any form they thought to be the best. From the reason stated above I conclude that the gist of these *sheras* is to allow the people as well at the Forest Department to remove forest produce from the forest to meet their wants but at the same time without completely destroying it.

Q. 2.—Can you give the Commission a statistical return showing for each year during the period commencing from the date of the memorable Forest Gazette of 1879 and ending with the date on which in 1882 the *sheras* regarding the *málki* fruit-trees were erased, the number of cases in which the owners of such trees were either executively or criminally interfered with in the enjoyment of the rights recognized by the *sheras*, and showing also the result of such interference; also a similar return of the period commencing with the date of the erasure of these *sheras* and ending with the year 1885?

A.—In Village Form No. 1 of some villages, entries were made of fruit-trees in unassessed waste numbers belonging to private individuals. These entries were subsequently cancelled by running over them red lines under order, dated 22nd January 1882, from the Assistant Collector in charge of Sháhápur *táluka*, in compliance with Collector's circular No. 19, dated 11th November 1881. The circular authorising the record of the entries cannot be traced; it will be forwarded if discovered hereafter.

A part of the *gurcharan* in Sháhápur was sold by auction as building sites. In the ground there were sixteen mango trees which were claimed by people as their own; but as the claimants could not produce any documentary evidence to substantiate their claims, the trees were sold in 1885 for Rs. 55.

The sale of mango and other fruit of such trees by auction (on behalf of Government) was ordered by circular No. 19, dated 11th November 1881; but subsequently the circular was rescinded and the sale by auction prohibited by another circular No. 28, dated 12th December 1884, in compliance with a Government resolution; and there is no grievance now under this head. Besides the documents cited above no more papers relating to this question are forthcoming.

Q. 3.—Can you give the Commission a return showing the number of cases in which the people of the Sháhápur *táluka* were either executively or criminally dealt with in the matter of trees situated in village sites either in or out of private compounds during the period commencing with the date of the first order in reference to them and ending with its subsequent modification; a similar return also for the period commencing with the date of the order of modification and ending with 1885? In both cases you are requested to note the result of such interference and to specify whether the trees were situated within or without compounds?

A.—A circular order (No. 17) issued on 19th October 1880 stated that under the authority of Government Resolution No. 4329, dated 24th July 1874, Government had proprietary right over village sites, and that therefore the people had no right over trees standing in village sites, and that anybody who felled such a tree would be prosecuted criminally. In the village of Sápgav one Bháu Hema Andádya felled a *bor* tree standing in his house compound. Under the authority of the circular quoted above an inquiry was instituted and under Collector's order Inward Register No. 9 registered at page nine of the *táluka Huzur* Inward Register, he was made to pay Re. 1-1-0, Re. 1 being the price of the felled tree and one anna the local cess thereon.

The above-quoted circular order was modified by the circular order No. 42, dated 15th December 1882, and it was ruled that the people might be allowed to fell trees standing in their house compounds.

Q. 4.—Can you give the Commission a return showing for each year during the period from March 1879 to the end of 1885 the number of cases in which the people of the Sháhápur *táluka* were executively or criminally interfered with in the matter of cutting *táhál* for *ráb*, and noting the result in each case?

A.—Up till 1882, all the orders that were issued, declared that the people were allowed to lop *táhál* for *ráb* according to their usual *vahivát*. In September 1883, twenty-

five kinds of trees were reserved. By a subsequent circular order (No. 38, dated 1st January 1884,) three kinds more were reserved, and thus the total number of reserved kinds rose to twenty-eight. There have been no criminal prosecutions for breach of rules under this head, but such cases have been dealt with officially.

Q. 5.—Do you know if with reference to any matters alluded to in the previous three questions you or any of your predecessors thought it your duty to represent the hardship caused for the consideration of your superiors; if so, will you, please, produce the correspondence that may have taken place?

A.—In the Sháhápur *táluka* the forest officials attached *táhál* in 61 villages, estimated its price and reported the matter to the Assistant Collector in charge of the *táluka*. The Assistant Collector under the authority of Section 43 of the Land Revenue Code ordered that the price of the *táhál* should be recovered at the rate varying from one anna to three pies. The people contended that the *táhál* was not attached in the forest, that the system of recovering the price of *táhál* was a novel one, and that all the *táhál* that was attached was not from Government forest. They also refused to pay the price as they had no money. I thought that the recovery of the money by extreme measures such as by sale of goods and chattels would be harsh and cause much irritation; so I reported the matter to my superiors in my report No. 656, dated 9th June 1885. In forwarding the report to the Collector the District Deputy Collector in his endorsement No. 740 agreed with me. The correspondence bears the Collector's No. 411 of 1885. On this Maráthi correspondence the Divisional Forest Officer, South Thána, made an endorsement in English under date 19th June 1885. In it the Divisional Forest Officer recommended that the *mámlatdár* deserved censure in the matter. The District Officer however being a just man accommodated the people. Certain inhabitants of So, a village in the Sháhápur *táluka*, hold *kharíf* lands in the village of Kochre in the Murbád *táluka*. Some nine of these persons cut *táhál* in the *shindád* land, for which their goods and chattels have been attached for the recovery of Rs. 23-8-0, the price of the *táhál*. These chattels were put to auction in the village but no one would buy them. I reported all these circumstances to my superiors, but the order to recover by compulsory measures has not yet been reconsidered. This order cannot be given effect to unless the chattels attached are removed to a big town and sold there. The correspondence in this connection bears Sháhápur Miscellaneous Inward Register Nos. 149, 434 and 915 of 1885-86, and Thána Collector's Murbád Inward Register No. 185.

Q. 6.—Have you any reasons to believe from your experience of six years as *mámlatdár* in four *tálukas* of this district, that the confidence of the people in the ability and willingness of the District Executive to protect the rights and interests of the people is as strong as before or that it is considerably shaken?

A.—I have been serving in the Thána district for thirty-two years, and for the last six years have been a *mámlatdár*. From my experience I believe that the confidence of the people in the ability and willingness of the district executive to protect the rights and interests of the people is not as strong as before. It is considerably shaken on account of forest grievances. The reasons that have led me to believe so are:—

1. Since 1838, the year in which the first order about the prohibition against felling teak trees was passed, there have been various orders regarding teak trees. The last order on the subject is circular No. 48, dated 12th February 1880, in compliance with Government Resolution No. 544, dated 31st January 1880, which goes so far as to prohibit the cutting of teak leaves. It seems to me that in issuing this order no regard was paid to the properties of such leaves and to the consequences that must ensue from allowing such leaves to drop down. The dry fallen teak leaves facilitate the forest fires, which it is difficult to check. The orders lay down that persons who cut such leaves should be criminally prosecuted.
2. Though from time to time orders had been issued to the effect that people were allowed to lop *táhál* and cut wood both for domestic and agricultural purposes in the lands set apart as unassessed waste at the time of the Survey, most of the unassessed waste numbers were included either in the Reserved or Protected forest by a Government notification after the passing of the Forest Act of 1878, and people have been since prevented from cutting *táhál* in their *shindád* lands thus included in Government forests. The result to which this prohibition led has already been mentioned above in answer to question 5.
3. Formerly if a person built a tile-roofed house, he got one *bigha* of land for cultivation free of assessment from Government for a period of twenty-five years. Under this system one Ratanshet Sakhárám Bhangsáli of Aghai got land in 1836 and cultivated it free of assessment till 1860. Now people do not obtain wood to build new houses even when their old houses have been destroyed by fire. As an instance of the above I refer to the case of the villages of Shelavli, Sare and Dalkhan, in which the people, though they petitioned the authorities for a free grant of wood to rebuild their houses, have not had their request complied with.

From these and other similar causes the people have been led to view with distrust the action of Government.

Q. 7.—Do you think that the erasure of the *sheras* referred to in question 3, and the inclusion into the forest area of the unoccupied lands over which at the time of the Settlement the people were told to exercise their *vahivát* as before, were violations of the solemn engagements entered into by Government with the people as a result of the Survey operations of 1859-60?

A.—In some of the demarcated villages, some of the numbers of unassessed waste land set apart for *gurcharan* and such other purposes at the time of the Survey have been included in Government forests. The whole of the *táluka* is not yet settled and demarcated. The *sheras* referred to in question No. 3 were not written at the time of the Survey Settlement, but were written subsequent to it and were erased under orders.

Q. 8.—Have you ever had occasion to observe the comparative state of the teak growth in the alienated and *khálsa* villages of the Sháhápur *tátuka?* and, if so, what has been the result of your observation, with special reference to the effect of pruning and trimming in improving the quality of the tree or otherwise?

A.—In the Government villages of the Sháhápur *táluka* teak growth is extensive. In the alienated villages teak trees are felled to a considerable extent. If the side branches of teak are lopped, young promising trees and saplings grow tall and improve in girth, but if the side branches are not pruned they do not grow straight and with as much vigour.

Q. 9.—Do you know if since the erasure of the *sheras* Government realized any revenue by putting to auction the usufruct of the trees specified in the *sheras?* and, if so, what did such auction realize for the period from 1882 to the end of 1885? also will you state if any of the trees have been cut down and sold on behalf of Government?

A.—No records about the revenue realized by putting to auction the usufruct of fruit-trees in the villages of which the *sheras* were erased are forthcoming. No *sheras* were written against Sháhápur and hence there were no erasures; but in 1884-85 sixteen mango trees were sold by auction for Rs. 55 from the Sháhápur *gurcharan.* The purchaser of these trees felled and sold them.

Q. 10.—It is stated in Dr. Gibson's Annual Administration Report of 1856-57 that in every village of this district a timber reserve was assigned which with the customary *shindád* grounds was to be preserved for the use of the said village; can you, after reference to your records, tell the Commission how these lands were dealt with at the time of the Survey Settlement, so far as the Sháhápur *táluka* (*viz.*, the Kolvan, Murbád and Bhivandi portions) is concerned? Can you say whether the lands alluded to above were at the time of the Survey Settlement set apart as waste numbers with any of the numerous *sheras* or endorsements you have already mentioned?

A.—If the lands set apart for free grazing, &c., at the time of the survey are included in Government forest without assigning other pasture lands in lieu of them it will be tantamount to breaking the enagement. But it must be remembered that the demarcation of this *táluka* has not yet been completed.

Any record about the lands set apart by Dr. Gibson, if found in the office record, will be forwarded to the Commission.

Q. 11.—Can you give the Commission a return for the whole period commencing with the date of the Forest Gazette of 1879 and ending with the year 1885, showing the number of criminal prosecutions for cuttings in *málki* numbers for domestic and agricultural purposes? Details to be given.

A.—I have already put in a statement about three criminal prosecutions with copies of the finding in each case. These prosecutions were instituted for cutting wood in *málki* numbers for domestic use and such other purposes after the forest notifications of 1879 had been published in the *Government Gazette.* Besides these papers no other documents are at hand. If any more documents regarding such cases are found they will be forwarded to the Commission.

Q. 12.—Do you think that the administration and control of lands referred to in question 1 of the set of questions issued by this Commission, if entrusted to Táluka Local Boards, would afford the people concerned greater security than otherwise from annoyance inseparable from departmental administration?

A.—I have read in newspapers the 47 questions drawn by the Forest Commission. Taking into consideration the fact that some revenue should be realized from forests and that the domestic and agricultural wants of the people regarding forest produce should be looked to, I propose the following arrangement of the land referred to in question No. 1:—

1. Wherever the forests are large such lands alone should be converted into Reserved forest and the people should have no privileges allowed in them. Such lands should be kept under the management of the Forest Department, who should cut wood whenever they think proper and sell the wood to people. If traders are not allowed to go into the forests, the Forest Department would be able to realize revenue without doing damage to the forests.

2. With the exception of forest lands referred to above, all other forest lands should be handed over to the charge of the Revenue authorities, while the Local Boards under the supervision of Revenue authorities should have the power of deciding what rights and privileges are to be enjoyed by the people in the said forest lands. If the arrangement proposed above be carried out, I believe a great deal of inconvenience and hardship at present caused to the people will be considerably mitigated.

Ráo Sáheb NA'RA'YAN VA'SUDEV KUNTE, Mámlatdár of Sháhápur, states in continuation of his answers dated 2nd February 1886.

I have stated in the answer to question No. 2 that the order authorising the entry of fruit-trees in waste numbers in Village Form No. 1 will be forwarded as soon as it is found out. On looking into the records in this office I find that in section 6 of the instructions below Village Form No. 1, given in Part I. of Hope's Manual of Revenue Accounts which contains the village forms, it is mentioned that column 20 is intended for information as to whether the rights over wells, houses, date-trees, teak, fruit-trees, &c., in occupied lands have been reserved by Government or whether such trees, &c., belong to occupants. As no *sheras* to this effect were written in Form No. 1, the Collector of Thána pointed out this discrepancy while examining the record of the Sháhápur *saza* for the year 1872-73. The statement containing the explanation formed the subject of a correspondence which bears *Táluka* Outward No. 250 of 1873-74 and Assistant Collector's No. 361, and thereupon an order was issued under date 14th of July 1874 that the trees should be counted and the *sheras* should be written. An extract from the *bárnishi* of an order which was, under the authority of the above-mentioned order, issued from the *táluka* to the *talátis*, is herewith forwarded (*vide* Exhibit No. 37). From this and from the village forms it does not appear to be necessary to write the *sheras* about trees in unassessed survey numbers. The *sheras* appear to have been written through mistake or misunderstanding. There is nothing in the records to show that the number of trees was ever counted or verified. These *sheras* were not written at the time of the Survey but were written afterwards. It is clear from the records in this office that they were cancelled as soon as the Collector of Thána came to know that they were written through misunderstanding.

I have stated in the answer to question No. 10 that information will be submitted afterwards about the forests reserved by Dr. Gibson. On looking into the office record for the same I find an order in the *bárnishi*, register, for 1846 at No. 105, dated 10th September 1846, issued to the *mahálkari* of Mokháda in compliance with Thána Collector's Revenue Circular Order No. 36, dated 9th June 1846. This order directed that the trees of the following kinds, *viz.*, *ain*, *hed*, *bibla*, *nána*, *dhávda*, *kalamb*, blackwood, and *ásána* should be reserved in the same way as teak trees; that a portion of the forest in every village containing *injáili* trees and varying from $\frac{1}{8}$ to $\frac{1}{12}$ part lying to the east of the mountain should be reserved; that neither rayats nor traders should be allowed to cut a tree in it; and that *dahli* should not be allowed there. The Collector's original order is not forthcoming, and there is nothing in the *táluka* or village records to show whether forest areas were set aside in any of the villages in pursuance of this order.

In addition to the three prosecutions for cutting, without permission, trees in *málki* numbers from 1879 to 1885, for which a statement has already been submitted, I have now found out 12 other similar cases, for which a supplementary statement is herewith forwarded (*vide* Exhibit No. 38).

WITNESS No. 19.

30th January 1886.

Ráo Sáheb GANPATRÁV MALHÁR BOKAD, a Mahádev Koli, aged 45, Police Inspector, Sátára, stated in his examination

By the Commission,

My native place is the village of Murbád. I am well acquainted with the Ghát districts of Thána, Poona, Ahmadnagar and Násik, and the population thereof. I have some influence with the hill Kolis as head of the *got* or clan of Mahádev Kolis. About the end of 1884 it came to my hearing that the Mahádev Kolis were considering whether disturbing the public peace would not be the best means of drawing attention to their grievances in the matter of forest restrictions, and that evilly disposed people of other castes were instigating them to rise. I am unable to say who the instigators were, but they had similar grievances and wished to use the Kolis as instruments to get these grievances redressed. I then held meetings of the caste at several places, *viz.*, Bhimáshankar in Khed, Málegaon in Mával, Vadpe in Khed, Pur in Junnar, and Nándgaon in Karjat. I persuaded the people to give up all idea of making a disturbance, and to try and obtain redress in the legitimate manner by

petitioning Government. At the meeting held at Pur in Junnar a list of grievances and a petition was drawn. There were present Kolis from Poona, Ahmadnagar, and Thána. Altogether about 6,000 Kolis assembled. This was on the 23rd and 24th April 1885. This petition was sent to Government. Subsequently on the appointment of the Forest Commission, a petition embodying the same grievances was sent to that body. In this petition the general grievances of the Koli population are set forth, not only against forest restrictions but against the oppression of *Kulkarnis*, the Police, the Arms Act, Civil Procedure and the Law of Limitation, the rigidity of the revenue system, the want of schools, &c. As regards forests, the complaint of the Kolis is that too much occupied land is taken up, as for instance in Rájpur, Nidgale, Kondhval and Terungan, and that compulsion was used to make occupants part with their lands for cash. They applied to the Collector and the lands were not taken. Another grievance is that they are prevented from taking agricultural and building timber, &c., from the forests, likewise *hirdás*. They complain that the forest guards waylay them on the roads to the *bázár*, and seize the *hirdás*, even if collected from occupied lands. The Kolis want to be allowed to collect *hirdás* from the forests and sell them as they did before the prohibition. Those who have no *hirdás* in their own holdings may possibly steal them from Government forests. Another complaint is that they cannot get firewood without bribing the guards, even if they take it from their occupied lands. Generally they do get it from the forests and say they have got it from occupied lands. They also complain that they are prevented from using the grazing lands without paying bribes to the guards. Although other matters are mentioned in the petition, the principal grievance is against the forest regulations. In Thána the special grievances of the Kolis are (1) insufficiency of *shindád* land, (2) in places insufficiency of land for tillage, (3) the restrictions on removal of fuel, that is to say, the prohibition of removing green wood, (4) the prohibition against cutting wood for building huts and cattle-sheds and agricultural implements, (5) the reservation of *mowra* flowers and fruit, *apta* and *tembhurni* leaves, (6) the restriction against cutting of bamboos. The Kolis in Thána are allowed to collect head-loads of dry-wood for sale like the Thákurs and others, but the supply of dry wood is not enough, and they are thus driven to manufacture dead wood, and run the risk of being punished. The Kolis have suffered also both above and below. Ghâts from the prohibition of *dalhi* cultivation. *Dalhi* should not in my opinion be again allowed, but in its place other land should be given for cultivation with a sufficiency of *ráb* material. Specially low rates of assessment should be taken from those who have no ploughs or cattle. There should be no trees reserved in occupied lands, but occupants should be prevented from reckless cutting. They should be allowed to cut without permission for their own use or to help a friend in need, but should not be allowed to sell without permission. They should be allowed, as of old, to collect fruits and flowers of *mowra* trees and other saleable minor produce for sale, consumption, or barter. The Kolis do not sell head-loads of firewood to traders. They sell *mowra* flowers, *hirdás*, *tembhurni* and *apta* leaves to traders and contractors. In Belvihir in Karjat I know an instance of a Koli occupant having sold all the trees in one of his occupied numbers adjoining the forest for Rs. 150 for charcoal. He did this because he feared that his land would be taken up for forests. He sold it to a *taláti* of an adjoining village in Murbád. It was the *taláti* who, to induce him to sell, deceived him by telling him the land would be included in forest. The Kolis hold land permanently like other cultivators. Much of the land has passed into the hands of money-lenders. As a rule the latter are the *kulkarnis*, who in their dual capacity of village accountants and *sávkárs* have a powerful hold over the Kolis. The Kolis, therefore, can get no help from the *kulkarnis*, and are unable to bring their grievances forward. I do not think a single Koli in the Poona District has as yet taken advantage of the Deccan Rayats' Relief Act. I have heard from many people that in Thána, Poona, Ahmadnagar and Násik regular subscriptions are got in the villages twice a year through the heads of the villages to bribe the forest guards, to secure their connivance at their getting their ordinary requirements in the forest produce. If more valuable timber is required something extra has to be given by the individual who wants it. The subscriptions are not confined to forest villages, I am talking of villages in the Ghát range inhabited by Kolis, Thákurs, Kunbis, Káthodis, &c., and not of coast villages or villages in the plain except in the neighbourhood of Murbád. I travelled from Khandála to Trimbak last year by the Ghâts and met thousands of Kolis and I gathered this information from them. From what I was told the subscription varies from Re. 1 to Rs. 10 biennially according to the size of the village, either in cash or its equivalent in grain, and Thákurs, Kolis, Várlis, &c., generally pay in grain. Káthodis occasionally but not often pay the subscription. People do not complain because they think, if they did, it would lead to worse oppression on the part of the guard who might take the place of the one they might get punished and removed. I do not think the punishment of one guard acts as a deterrent to his successor. In Karjat in Khándas, in 1867, one Khandu Dábhane, Forest Guard, was prosecuted by two Kolis under my advice for exacting bribes and was convicted and sentenced in respect of both cases to three years' rigorous imprisonment. The people afterwards blamed me for having thus been instrumental in drawing on them the enmity of the guards who succeeded Khandu Dábhane, and thus increasing their troubles. As a matter of fact I believe and am convinced from what I have been told that the people of Khándas, have continued up to the present time to pay the same subscription to whatever guards have succeeded the one who was convicted of taking bribes. At the time of the case I have mentioned I was a head constable in the Karjat *táluka*.

WITNESS No. 20.

1st February 1886.

Khán Sáheb R. H. MÁDAN, a Pársi, Sub-Assistant Conservator of Forests, South Thána, A Division, aged 24, stated in his examination

By the Commission,

I have been in the Forest Department for three years. All the time I have been attached to South Thána. My present charge comprises Sháhápur, including Mokháda and Bhivandi. The permit system for supplying firewood, both to the trade and for local consumption, is as follows:—*Nákás* are established at all railway stations and depôts and the *nákedárs* issue permits in a printed form to all applicants for the removal of dead-wood for fuel on payment of a fee of Re. 1 per cart-load. In Mokháda, where there are no *nákedárs*, the round guards issue the permits. These permits allow the holders to go to specified forests and collect the specified quantity of material within a specified time. The time allowed is regulated according to the distance of the forest from the *náka;* two days are allowed for collection of wood and one day for every ten miles to be travelled to and fro. On returning to the *náka* with the firewood, the permit-holder exchanges the permit for a pass under Section 41 of the Indian Forest Act which covers the export of the material either by road, rail or water. This is called the *jaláu kolpát* system. This system has been abandoned this season. While it was in force traders availed themselves of it largely, but the local population scarcely at all. This system led to abuses. In order to create a sufficient supply of dead wood, traders got their employés to manufacture dead-wood by girdling trees and setting fire to forests. It led to the corruption of subordinates, permit-holders with the connivance of the subordinates, removing timber *kolpát* instead of firewood, and removing a larger quantity of fuel than was paid for. A good deal of green wood was also cut and carted away under this system. Last year I got a *nákedár* dismissed for allowing timber to pass under the cover of a firewood permit. The inquiry showed that the wood passed the *náka* at night. Frauds of this kind can occur without the connivance of the *nákedárs*. There are heaps of wood at railway stations; a permit-holder can bring a load at night, mix it up with the heap and return again to the forest and bring wood a second time under the same permit and so on. Another source of fraud is this: A permit-holder goes to the jungle, and as long as he is in the jungle, he is protected by his permit; directly he leaves the jungle, he can assert that the material in his possession has been obtained from occupied lands; and as no passes are required to cover the latter, and proof as to the source from which the material has been got is not forthcoming, he can deposit his load at the station and return again to the jungle on the same permit, and repeat the operation so long as the time specified in the permit will allow him. If passes for removal of wood from *málki* numbers were made compulsory, this particular kind of fraud would be avoided. The new system adopted from this year is as follows:—The trade is supplied by the auction sale of standing trees in selected compartments. This year these cuttings are mostly limited in my charge to the forest in the bed of what will be Tánsa Lake in Sháhápur. For local supply of firewood, bámboos, thorns and *kárvi*, the permit system is kept up at the rates specified in the printed circular of 31st October last (*vide* Exhibit No. 39). The local supply of firewood is supplemented by the head-loads collected by the wild tribes.

The timber *kolpát* system is as follows:—The right of collecting fallen dead wood fit for timber in each round is annually sold by auction on the share system, that is to say, the contractor has to collect and stock the material at specified depôts, where it is sold by auction by the Forest Department, the contractor receiving as his share whatever fraction of each rupee of the total realization he agreed to take as his renumeration. From the current year this system has been modified: instead of the contractor collecting any fallen wood he pleases, he is only at liberty to remove logs marked for the purpose by the Department. This modification has been introduced to avoid fraud by manufacture of dead wood and by removal of green wood. An instance of the latter was brought to light in what is called the Birvádi case. I produce correspondence relating to this case for perusal. In this case the cutting was within half a mile of the village and the depôt at which the wood was stocked was situated in the heart of the village and close to the *pátil's* house, but none of the villagers would come forward to give evidence. The case was first reported by the *taláti* and the round guard to their respective superiors. As the contractor could not be criminally prosecuted, he was fined under the penalty clause of his contract and the beat guard was dismissed from service.

The system of agricultural depôts was abolished because the people refused to purchase wood there; they wanted the materials free. The depôts were stocked with suitable material; there were standard prices for each class of material. From my experience I am of opinion, that the prices charged were neither very high nor very low. To take the place of the depôts, from this year it has been arranged to have depatmental fellings in every

beat, according to estimated local demand, and to sell the material by retail auction without reserve to the *bonâ-fide* residents of that beat. The material of one of the ordinary departmental teak fellings is to be sold by retail auction to meet local wants, especially of the residents of the towns. The privilege of selling firewood by wild tribes has led them to sell the wood largely to dealers. This encourages cutting of green wood, and manufacture of dead wood not only in Government forests but also in *málki* lands. I think that the head-load privilege should be restricted to supply firewood for local wants, and a fee, if possible, levied on each head-load from the wild tribes when it is sold for trade.

Forest fires are very common in Sháhápur, less so in Bhivandi, and rare in Mokháda. I ascribe the fires principally to manufacture of dead wood by the wild tribes and the villagers, to *shikár* by the wild tribes, and to accident. I ascribe the absence of fires in Mokháda to the fact that there is no trade in *kolpát*.

I have received no complaints of the compulsion having been used in making the wild tribes collect *dhávda* leaves. A round guard once told me that the price, two pies per seer, fixed was too low, but I had no time to test the accuracy of the statement. The price was fixed by the Divisional Forest Officer in my presence after consulting some Káthodis near Vásind, who expressed themselves quite willing to collect the leaves at that price.

The traders do not employ outsiders to bring wood from forests, the wild tribes cut and collect the wood for them and the villagers cart it away. The latter also sometimes cut and collect. I hand in statements, for perusal being statistics of trade for 1883-84 and 1884-85 in the Sháhápur *táluka*.

It has never come to my knowledge that there is an organised system by which villagers subscribe among themselves to secure the connivance of the forest guards for the removal of forest produce unauthorizedly.

Witness No. 21.

3rd February 1886.

Mr. J. de C. Atkins, Forest Settlement Officer, Thána, stated in his examination

By the Commission,

I have been Forest Settlement Officer, Thána, for a little over two years, and for three years before this I served as an Assistant Collector, having charge of Sháhápur, Váda, and Bhivandi, and for a short time of Murbád. As Forest Settlement and Demarcation Officer, I have spent my time chiefly in Kalyán, Sháhápur including Mokháda, and Murbád, and have studied the revenue and forest histories of those *tálukás*. At the survey certain *sheras* were written opposite the unassessed, unoccupied waste lands, denoting their assignment for certain purposes. I do not know the original history of these *sheras*. I attribute the minor varieties in the wording of *sheras* of apparently similar effect to their being written by different *kárkuns*. The broad distinction is that in some cases the trees are referred to, and in some they are not. Those cases in which the trees are referred to may be divided into two classes: (1) those in which teak is specially mentioned; (2) those in which trees generally or jungles are mentioned. I consider the main object to have been to guard against the destruction of the trees, as there was then no forest demarcation. I interpret all the *sheras* which assign the lands for both grazing and forest to mean that grazing is to be allowed if the trees are not injured. In practice, unless there is a special direction to sell the grazing by auction, all these waste lands are treated as free grazing lands. In practice, whether authorisedly or not, *táhál* is also lopped in all lands, except those included as Imperial reserves in former forest demarcations, except where the lands are too distant from cultivation to make it worth while, or where the population is scanty. I am not aware that it has ever been held that the entry of a *shera* assigning land for both forest and grazing (*rán rakshan gurcharan*) bars the privilege of lopping for *táhál* in those areas. I consider, the *sheras*, which mention the subject of tree preservation, leave it to Government to decide the degree to which conservancy shall be carried. The lands which were assigned for free grazing at the Survey, besides all other then unappropriated waste lands, were undoubtedly used for free grazing before the Survey, except such portions of them as had been temporarily and from time to time appropriated by individuals on the terms imposed by Government for sporadic cultivation and other purposes incidental to cultivation. As to whether the special object of assigning grazing lands was to simply record existing grazing custom, or to make new concessions, I fancy the officers who

actually made the assignments did not trouble themselves about that object, but simply endeavoured to carry out the orders of Government and, that Government, when issuing those orders, simply intended to provide for the convenience of the people.

4th February 1886.

As it had probably been brought to their notice that free grazing had been previously enjoyed over many waste lands, I do not consider, that even had the Forest Act never been passed, the entry of a *shera* such as *rán rakshan karun gure chárávi* in the Survey records opposite a survey number in any way debarred Government from closing a portion of that number against grazing; because the Government order authorising the assignment by Survey officers of lands for special purposes, and consequently authorising the writing of such a *shera*, expressly provided that such a survey number or a portion of it could at any time be devoted to any different purpose with the sanction of the Revenue Commissioner; and the closing against grazing of a portion of a *rán rakshan gurcharan* number with the object of growing or improving the growth of trees in that closed portion would in effect be a devotion of that portion to a different purpose, and provided this were done with the sanction of the Revenue Commissioner, it would be exactly such an act as was contemplated by Government when issuing the orders referred to above. I allude to Government Resolution No. 1036 of the 17th February, 1853, and to the section of Act I. of 1865 to the same effect, subsequently enacted. I consider that such land, *viz.*, land assigned at the Survey for forests and free grazing can with justice, equity and conscience in the words of section 34 of the Forest Act, be classed as Reserved forests, provided the wants of the people as regards grazing are reasonably met. The degree of justice, equity and good conscience will depend in each case on the reasonableness of the provision for grazing continued subsequent to the inclusion of the land in forest. *Sheras* of the kind above quoted have been taken into consideration by me under Section 7 of the Forest Act in inquiries into rights. I am not aware whether Government Resolution No. 1036 of 1853 above quoted was made known at the time of the settlement to the people. Assuming that the order of 1853 authorising the Revenue Commissioner to appropriate land set apart for any one purpose to any other purpose was not made known to the people at the Survey Settlement, when the land was set apart for free grazing, I should still consider it in accordance with equity, justice, and good conscience, that such land should be devoted to other purposes before the expiration of the survey guarantee, provided that sufficient provision for free grazing were made. My ground for saying this is that the people were not given any reasons for supposing that this should not be done, and before the Survey over the same land even then known as *gurcharan*, Government had been in the habit of exercising this power of diversion. Colonel Francis may be regarded as responsible for all the statements made in the report of the Forest Committee of 1863 regarding what had been done at the previous Survey Settlement. In that report it is stated that some waste lands were marked off separately for forest reserves alone, others specially for grazing alone, and others for forest and grazing combined. That is to say, that the Survey forest consisted partly of pure forest land and partly of forest land in which grazing was allowed. It is recommended in that report that Forest Demarcation Officers should deal with the forest allotments made at the Survey Settlement and should refrain from demarcating forests in villages in which there were no forest allotments.

As these forest allotments were expressly stated to consist partly of forest land in which grazing was allowed, that is to say, *rán rakshan gurcharan*, it follows that the Demarcation Officers were intended by the Committee of 1863 to deal with such *rán rakshan gurcharan* numbers, when carrying out their orders which were to divide the forest allotments of each village which contained a considerable amount of forests into two portions, one for Imperial reserve and the other for village reserve. Village reserves were always treated as free grazing lands. Major Waddington, when reporting on the Survey Settlement of Kolvan *táluka*, mentioned that he had demarcated forest reserves in a few villages; but that in most villages the work still remained to be done. In many of the most jungly villages of Sháhápur, containing enormous area of particularly well-wooded land in which most certainly Major Waddington, if he had had time, would have demarcated Imperial and village reserves, no such demarcation has ever been made, and I have observed that in all these villages the whole of the unassessed waste land is classed *rán rakshan gurcharan*, and I gather from this that Major Waddington, as a temporary measure, classed these lands in this way and, intending that subsequently either he himself or some special Demarcation Officer, perhaps Captain Lloyd, who was then working in other parts of the district, should deal with such *rán rakshan gurcharan* numbers and decide which part of them should be Imperial reserve, *i.e.*, *rán rakshan* and which should be village reserve, that is to say, for practical purposes, *gurcharan*. I gather that when Major Waddington in his survey report referred to above, wrote of the demarcation of forest reserve by himself he meant the demarcation of what were known as Imperial and village reserves, *i.e.*, *sarkári rán* and *gávche rán* or *gávbháq* respectively; because under the orders then in force and for the carrying out of which in the *táluka* previously settled one or two special parties of Survey officers were at that time actually employed in forest demarcation. There were to be no forests except Imperial and village reserves. I have explained above the meaning I attach to the *sheras* relating to

rán rakshan gurcharan in the *tálukás* setted before the Forest Committee for 1863, *viz.*, that some measures of forest conservancy in those lands were considered necessary by the Survey officers, for which, in the absence of a Forest Department, they attempted to make provision in this way. As regards the *tálukás* settled after 1863, I gather from Major Waddington's report and procedure in Kolvan that the entry of *rán rakshan gurcharan* was made opposite all large unassessed numbers with the express intention that Forest Demarcation Officers should be perfectly free to demarcate such numbers for Imperial and village reserves subsequently as might be thought necessary. Village forests demarcated in accordance with the recommendation of the Committee of 1863 were intended partly and chiefly to meet local requirements as distinct from the Imperial forests which were not intended specially to meet any local requirements. In all villages in which the amount of *gurcharan* is small and the ordinary *varkas* lands are small in area or comparatively treeless, the *gurcharan* is entirely sliced up into the *shindád vahivát* of individuals. I have no doubt that in many cases the *shindád vahivát* lands were not marked off and entered in the names of the holders as they ought to have been. In some cases the reason was that the people were disinclined to undertake this land on survey tenure and pay assessment for it, and in some cases the reason probably was that the survey officers did not take sufficient trouble to find out which were the *shindád vahivát* lands of individuals. I gather that people were disinclined to undertake these lands in many instances, especially in Kolvan, from a report of Colonel Francis, written about 1870, in which, after expressing his joy at hearing on the authority of the Collector that many cultivators in Kolvan wanted to have their *shindád vahivát* lands entered in their names, which lands had not been entered in their names at the Survey, he said that he had done his best to persuade people at the time of the Survey to take up these lands, but had found it very difficult indeed to induce them to do so. I am quoting from memory. I saw the letter about fifteen months ago and was particularly struck by it, because I thought it was very important evidence as showing the procedure followed by the Survey Department under Colonel Francis' direction. It has always been the custom for the residents of villages in which there is no well-wooded land sufficient to supply their wants in the matter of forest produce to resort to the nearest jungles in other villages to get their supplies of firewood, so far as they used it, wood for agricultural implements, and in a very limited number of cases *ráb* materials also. The growth of this custom is easy to trace in Murbád. As you move gradually from a very jungly to a comparatively bare part of the *táluka* you find villages in the very remote parts in which no non-residents claim firewood *vahivát*, and the residents concur in asserting that no such *vahivát* exists and that the jungle is used by them alone. If you move further towards the bare parts of the *táluka* you find that, while the residents concur in asserting that no such *vahivát* amongst non-residents exists, yet some non-residents claim such a *vahivát* for their village, and others do not. If you move further you find that, while residents still deny such a *vahivát*, non-residents claim it pretty extensively. You come to a part of this district in which the residents of the well-wooded villages admit the claims of the residents of neighbouring treeless villages. Eventually you come to cases in which though the firewood *vahivát* of another village is admitted by the residents of a village in their *gurcharans*, yet these villagers themselves admit that it is necessary to cut at once all the seedlings and young trees which spring up every year in the rains to supply their wants in the cold weather and in the hot weather. They as well as the residents of the other village partially dependent on them are obliged to resort to the *gurcharan* of another village which still has an unexhaustive supply of wood. I have made careful inquires as to these customs wherever I have been. It would be difficult to ascertain with any certainty the exact extent of the custom of the residents of one village resorting to another for firewood. But in many cases the custom is sufficiently clear. It would be feasible to supply the firewood requirements of non-forest villages from the forests, provided compact blocks of the latter were formed and scientifically worked. If the residents were allowed to continue the old system of collecting for themselves, the supply will be gradually and surely exhausted. As a rule, the people of one village do not resort to other villages for *ráb*, partly because of the enormous bulk of the material required and the expense of carriage, and partly because the *gurcharan* lands of any village to which they might naturally resort are sliced up into *shindád vahivát* portions of individuals, who jealously guard their *ain, nána, dhávda* and *bonda* trees, and allow no one else to lop them, though they do not interfere with the cutting for firewood of the trees comparatively useless for *ráb*. About 90 per cent. of *injáili* trees in the more inland tracts of Thána consist of *ain, bonda* and *dhávda*.

Written Questions forwarded to Mr. Atkins by the Commission and their Answers.

Q. 1.—Are you aware that in many places, especially in Sháhápur, the holders of rice fields which are situated in the middle of large jungly numbers have a *vahivát* in the *gurcharan* or *parigh* lands adjacent to their rice lands for seed bed purposes?

A.—Yes. This is a necessary result of the policy pursued in many places by the Survey Department of not demarcating the *gurcharan* of a village as a compact survey number at all but merely forming rice or *varkas* numbers here and there and leaving all the other land comprising even the straggling strips of land separating one rice field from another to be classed as *gurcharan*. The holders of the rice fields naturally prepare their seed beds in the strips of *gurcharan* adjacent to their rice fields.

Q. 2.—If so, do you think it necessary that the land so used should now be included in the holdings of the cultivators who use them ?

A.—Yes, unless the taking up of the rice fields eventually for forest is contemplated.

Q. 3.—Are you aware that in the Kolvan settlement a provision was made in the notification to the effect that the *varkas* land measured out and included in occupied holdings might be resumed at a future forest demarcation ?

A.—Yes.

Q. 4.—If so, can you state if that provision has ever been taken advantage of ?

A.—I believe not in Sháhápur in which the demarcation I am now doing is the first attempt which has been made to continue the work left unfinished by Major Waddington at the Survey Settlement. In Váda a subsequent demarcation of first and second class forest was effected in place of the formerly proposed Imperial reserves and village reserves. At that demarcation much occupied land, both rice and *várkas*, was taken up for forest and compensation, either in land or money, was given ; but I cannot say whether the Survey provision now referred to was taken into consideration or not at the time of taking up this land. I imagine that the occupied land then taken up for forest would have been taken up all the same if no such provision had been made at the Survey.

Q. 5.—Do you consider that such lands could be resumed under this provision consistently with the general terms of the Survey Settlement ?

A.—Yes ; but it would only be equitable after this lapse of time to give compensation either in land or money in all cases.

Q. 6.—In your list of *rán rakshan gurcharan* included in forest you give the area of the *rán rakshan gurcharan* of Sájivli as 84 acres. By referring to the Survey *sud* we find the area to be 1,254. Will you explain how you obtained the area you have entered ? Have you deduced the area of such lands from the original Survey papers in the case of each village or from the village registers, or how ?

A.—I imagine that the Forest Commission must be mistaken. I have the Survey *sud* of Sájivli before me at the present moment, and I find that eighty-four acres were set apart as *rán rakshan gurcharan* and 1,254 acres as Government forest (*Sarkári jungalákade thevila áhe*).

Q. 7.—The demarcation of Kalyán having now been completed and sanctioned, how far do you consider that the wants of the people can be supplied from lands excluded from forests and how far do you consider they will be dependent on the forest area ?

A.—The demarcation of Kalyán has not yet been finally completed and sanctioned, as a few modifications of my former proposals recommended, in consequence of facts brought to my notice in the course of my subsequent inquiries under Section 7 of the Forest Act, still await the sanction of Government. If that sanction is accorded, I believe that the inhabitants of a very few villages in the *táluka*, if they make use of all their available cowdung and make use of grass and dead leaves as some of them do, will be at all inconvenienced by being restricted to the exercise in the reserved forests of the *ráb* privileges already conceded and perhaps no villagers, if they take care to grow trees in the waste lands not included in forests and on their *varkas* numbers will, after about ten years (perhaps less), find it necessary to rely on the reserved forests for any *ráb* material at all. All the wood required for agricultural implements and building purposes in the *táluka* can, I think, be supplied from either the *varkas* numbers or from the waste lands excluded from forests. But grazing will have to be allowed in portions of almost all forests, and most of the firewood consumed in the *táluka* must be obtained on some terms or other from the reserved forests.

Q. 8.—Will you state your opinion as to the general result of the application of Ellis' rules in different *tálukás* of the district ? Do you consider the rules as they stand likely to work well wherever applied, or do you think experience shows that any modifications in these rules would be necessary, if they were again introduced ?

A.—I do not know many details about the application of Ellis' rules to any *táluka* except Kalyán, my inquiries for the other *tálukás* not yet being completed. In the Kalyán *táluka* the result may be said to be, firstly, confusion, inasmuch as the sale of some only of the teak trees in occupied numbers has made it difficult to ascertain whether any cart-load of teak is private property or stolen Government property, and secondly, the sale and exports to Bombay of most of the trees which have been sold to occupants. For nearly twenty years after the sales a well founded suspicion that Government had been defrauded by its subordinate servants necessitated a general prohibition of the felling of teak trees in all doubtful cases pending an inquiry into all the circumstances under which the sales had been made. When, nearly two years ago, after my exhaustive inquiry, Government accepted the conclusions at which I arrived and consequently admitted the teak tree rights of the occupants of some thousands of survey numbers, a general clearance of those numbers commenced and it is still going on. Teak *firewood* was sold last season in many places—so I was told by the purchasers—at eight annas a cart-load for local consumption : and at the beginning of this season I observed fellings of *málki* number teak trees, which had been sold to timber merchants, wherever I went.

I know that a few sales under Ellis' rules of teak trees in *malki* numbers were made in the Bhivandi and Murbád *tálukás;* but in Váda and Sháhápur, except in those villages of the former which once belonged to Bhivandi and in those of the latter which once belonged to either Bhivandi or Murbád, no sales were made under Ellis' rules, because at the time of the application of those rules, the Survey Settlement of the Kolvan *táluka* which comprised most of Sháhápur and almost all Váda had not been introduced. Sales of many *málki* number teak trees under other rules somewhat similar to Ellis' were subsequently made, chiefly between 1870 and 1874.

I do not think that Ellis' rules ought to have been or ought now to be applied to any occupied lands except rice fields, and those *varkas* numbers which contain very few trees and which are badly wanted for *varkas* cultivation.

Q. 9.—Do you consider that the permission to cut wood for agricultural and domestic purposes in occupied lands coming under the Kolvan settlement now obligatory under the rules to be either necessary or desirable?

A.—Yes; both necessary and desirable, though measures must be taken to ensure that the requisite permission is given without unnecessary delay. When wood is required in very small quantities for making agricultural implements, &c., a subordinate official on the spot—perhaps the *pátil*—might be entrusted with power to give such permission, provided that he is required to report what he has done without delay. But people who want large quantities of wood with which to build new houses can, without hardship, be required to wait until the permission of a superior official has been obtained. The rule making it necessary for permission to be obtained before trees are felled in *málki* numbers in the *tálukás* coming under the Kolvan Settlement has had an excellent effect, and to it is due the fact that whereas in other parts of the district almost all *málki* numbers have been denuded of their trees, in the Kolvan *táluka* those numbers are in many, if not most, villages so well wooded that extensive *rán* privileges in forest or waste land are uncalled for.

Q. 10.—Do you think that Kolvan occupants would have greater inducements to preserve the trees on their lands if subject to certain suitable conditions preventing sale of trees, the proprietary right in all trees in occupied lands were vested in the occupants, the value of the royalty trees being recovered from the occupants and the *injáili* trees being made over without payment?

A.—No; except in rare cases the concession proposed would have the worst effect. The most important and probably the only result of it would be that numerous applications for permission to sell trees would be made at once, and every body who could possibly get such permission would avail himself of it. The fact that in all those *tálukás* in which the proprietary right to the trees in their holdings has been already conceded to the occupants, the condition of the trees is far worse than in Kolvan, clearly proves, to my mind, that the idea of his proprietary right to trees does not in any way induce the average ignorant cultivator to take the best care of them, and *a priori* it is not to be expected that such a man will take more trouble to grow a tree in order that his grandchildren may sell it, than he would take if he only knew (as he does know in Kolvan) that his grandchildren will use the wood to make a plough or to repair their huts. In the question it seems to be taken for granted that the Kolvan Settlement has led to the destruction of trees in occupied numbers. This is a totally mistaken notion. The condition of the trees is excellent, and huge and dense jungles, consisting merely of *málki* numbers, are to be found in very many parts of Kolvan, but hardly in any other part of the district with which I am acquainted. I attribute this satisfactory result entirely to the nature of the settlement, and I am convinced that any serious alteration of it will be disastrous.

Q. 11.—Can you give us the history and statistics of former forest demarcation in the *tálukás* of Kalyán, Sháhápur, Murbád, Váda and Dáhánu (1) before the Survey, (2) between the Survey and the passing of the Forest Act?

A.—Though I am acquainted with the history of forest demarcation in the *tálukás* of Kalyán, Sháhápur, Váda, Dáhánu and Murbád since the Survey, I have not collected sufficiently accurate statistics of the results of successive demarcations, and I will therefore make some further inquiries on the subject and lay the results of those inquiries before the Commission in Poona during the rains.

Q. 12.—When wild tribe settlements are found in lands which are selected for forests, do you consider the continuance of such settlements to be detrimental to forest conservancy? If so, in what way? If their removal is necessary in the interest of conservancy, in what way do you consider the removal can be effected without undue hardship to the people?

A.—Yes. It is obvious that every settlement of wild tribes—other than a regular village—in a forest results in (1) the clearing of patches of land one after another for cultivation, the areas cleared increasing with every increase of population; (2) the lopping for *rán* of all the forest trees in the neighbourhood of the cultivated patches, and the consequent gradual destruction of such trees; (3) the felling of numbers of trees for fuel and other domestic and agricultural purposes; (4) the constant firing, both accidental and intentional, of the forest; (5) continual friction between the wild tribes and the subordinates of the Forest Department. State forests should almost always, in my opinion, be large compact blocks *remote* from cultivation so that this friction may be impossible and that the working of the forests on scien-

tific principles may be feasible. Of course I do not mean to say that if a wild tribe settlement is found on a piece of wooded waste land, that settlement must necessarily be removed. On the contrary I am of opinion that the cases in which that removal will be found desirable are very few, and that it will usually be preferable to fix the forest boundary so as to exclude the settlement. But if such land *is* converted into State forest, the continuance of the settlement is totally incompatible with the proper management of the forest, and is certain to be the cause of constant friction. I cannot lay down rules for the removal of such settlements, and I think that each case must be decided on its own merits. I should never propose such a removal unless I found it possible to give the persons removed sufficient and suitable land to cultivate in villages conveniently situated.

Q. 13.—Can you from your experience of the district give any information about the clearing of *málki* lands by sale of the trees to traders?

A.—I am aware that in those *tálukás* in which at the Survey Settlement cultivators were conceded the full proprietary right to the trees in their *varkas* numbers (private *ráb* lands), the sale of those trees to traders commenced at once, and has been going on ever since, the result being that in the more accessible parts of the district hardly a tree is left in those lands, and parts of the Government forests have been appropriated for *ráb* lopping purposes by the people whose *ráb* requirements were supposed to have been fully provided for, and *ráb rights* (if any) finally commuted by the allotment of the *varkas* numbers. I have myself seen many thousands of candies of timber cut in the *varkas* numbers in those parts of the district which have not yet been totally denuded being carted off to the railway stations of the district by Musalmán traders for export to Bombay. Almost every day I meet long lines of carts laden with such wood, and on inquiry I have often found that the wood has been cut in the very villages in which the howl for *ráb* privileges in the Government forests is loudest. That this practice commenced directly after the proprietary right to trees in *ráb* lands was conceded to their occupants is proved by the old records of the Forest Department, which show that in two years and in only four *tálukás* in the district over 200,000 passes were given to people who had sold their *ráb* trees to traders, each pass being either for a cart-load or for a specified number of cart-loads. As an example of this practice at the present time I may mention that a short time ago I made most minute inquiries into the history of a village in Murbád from the earliest times. I found that abundant provision for *ráb* had been made at the Survey by the allotment of a large area of densely wooded *varkas* numbers to all the families then comprised in the village community. Most of these numbers at the time of my visit were still densely wooded. But 200 acres had passed out of the hands of the original holders into those of a money-lender. The money-lender had this year sold to a charcoal merchant for Rs. 1,000 all the trees except teak and fruit trees on his land, and the charcoal merchant had imported a colony of wild tribesmen, 42 in number, who were engaged in cutting down all the trees purchased, and converting them into charcoal on the spot. On the other hand the original members of the village community were clamouring for the disforestation of Government forest, which they had divided into strips, each of which an individual, who had once been given private *ráb* land of his own, had appropriated for *ráb* purposes. The commutation made at the Survey of *ráb* rights or privileges has in the same way been nullified in hundreds of other villages by the sale of the trees on the *varkas* numbers to timber or charcoal merchants.

Q. 14.—In your opinion do or do not improved methods of *kharíf* cultivation reduce the necessity for *ráb*? On what do you base your opinion? Is not as a rule found that where the least *ráb* is obtainable or where *ráb* is obtained with the greatest difficulty there the cultivation is of the best kind and *vice versâ*?

A.—Yes. The growth of rice plants after transplantation depends to an enormous extent on the capacity of the rice field for retaining water: and this capacity depends principally on the state of the rice bunds. The exuberent growth of rice plants transplanted into a field with good bunds makes it possible to plant these plants much further apart from one another than is done in a rice field with poor bunds: and, consequently, for a given area of rice field fewer plants, and hence a smaller seed bed, *i.e.*, less *ráb* will suffice. A well-to-do land-holder told me a few weeks ago that he had been spending much money in improving his bunds, and that, in consequence he found that he required only a third as much *ráb* as he was in the habit of using a few years ago. Of course a small cultivator has no capital to invest in this way; but it must be recollected that such a man can, by his own labour, do gradually in his own small holding of two or three acres what a cultivator on a large scale, with hundreds of acres, must necessarily employ and pay many hired labourers to perform. I have noticed that rice bunds are as a rule much better in the bare than in the more densely wooded parts of the district, and my inquiries have led me to believe that this difference would be even more pronounced than it is, but for the fact that many of the actual cultivators of land in the barer parts of the district are mere tenants-at-will, who fear that any improvement of the bunds will be followed by an increase of rent. In parts of Mokháda, a thinly populated part of the district in which the supply of *ráb* material as compared with the demand may almost be said to be inexhaustible, I have usually seen rice fields with absolutely no bunds at all; and I have found a state of things little less deplorable in many other wild parts of the district.

Q. 15.—Have you noticed any difference in the area of forest annually burnt over in Mokháda as compared with Sháhápur? If there is any difference, to what do you attribute the cause?

A.—Yes. I have never seen a fire in the Mokháda forests, whereas I see either a forest fire or traces of one in Sháhápur almost every day. These fires are rarely if ever observed on the land used for grazing by the village cattle, and I believe, consequently, that these fires are not in any way due to an idea of cultivators that burning will improve the next year's grass for grazing purposes. I have heard many natives, who ought to know, say that these fires are not accidental but are wilfully kindled in consequence of the *kolpát* system under which a contractor is allowed to remove dead wood from the forests for export to Bombay. It is not suggested, I believe, that the contractors directly instigate the kindling of forest fires, but merely that their mode of carrying on business, *viz.*, offering a good price for every cart-load of dead wood brought to them, necessarily acts as an incentive to unscrupulous persons to manufacture dead wood, which otherwise would not be found in sufficient quantities in the forests situated conveniently near the contractor's depôts. I think that this explanation of the greater frequency of forest fires in Sháhápur is to a great extent a true one: though it is only fair to state that the resort of a larger number of people to the Sháhápur forests increases the chance of the accidental kindling of fires.

Q. 15.—Can you give any instances of *khap* lands or denuded *varkas* being recovered with ráb giving vegetation? What was the incentive to reboisement and conservation as far as you know in these instances?

A.—I have only come across one such case, but I have not made many detailed inquiries as to the state of particular *varkas* numbers some years ago, and it is difficult to get trustworthy information on the subject.

WITNESS No. 22—(BHIVANDI *Táluka*).

6th February 1886.

ÁPA BÁPUSHET, a Váni, cultivator and money-lender, aged 52, residing at Dugád, *Táluka* Bhivandi, stated in reply to questions

By the Secretary, Thána Forest Association,

I am an elected member of the Bhivandi Local Board. I hold 140 acres of *kharíf* and 141 acres of *varkas*. My *suti* lands are in seven or eight villages of Dugád *mahál*. The villages of Mohili, Ghotgaon, Akloli, and Usgaon have large forests. In Ghotgaon I hold forty acres of *kharíf*. Inhabitants of some ten or fifteen non-forest villages resort to the forest of Ghotgaon to supply themselves with domestic and agricultural requirements. Bamboos are removed by the villagers of about twenty-five villages in addition, as there are no bamboos to be had within their own limits. Among the latter are the villages of Dábhád, Kiravli, Páli and Koshim. Dábhád is about seven miles distant from Ghotgaon. Other villages are eight or ten miles distant. These villages still continue their *vahivát*. Ghotgaon people never raised any objection to the use made of their village forest by others. All the *shindád* lands in the individual *vahivát* of persons were not measured off and entered in their names at the time of the survey. The *kharíf* and *varkas* lands were alone measured. We did not apply for the *shindád* lands being measured off at the time of the Survey. We came to know what the real state of things was five or seven years after the Survey. At the time of the Survey Settlement Colonel Francis verbally informed us that the trees in *varkas* lands would belong to us in future, and further that we would not be prevented from making use of *gurcharan* lands as hitherto both in respect of lopping for *ráb* and grazing. We accordingly have been using the *gurcharan* up to the present time. A portion of the *gurcharan* at Ghotgaon has been divided among the several cultivators of *kharíf* according to an immemorial usage, and the portion left unallotted is used by the villagers in common with the people of adjoining villages for grazing only. The inhabitants of other villages do not resort to our lands for *táhál*. A part of the *gurcharan* was demarcated as forest in 1864-65-66. It did not include any of our *shindád* lands. When *kharíf* lands are disposed of, the *shindád* pieces appended to them also go with them. I produce some deeds of sale and two sale certificates, dated 30th June 1868 and 12th February 1872 granted by the civil court in which mention is made of the *shindád* lands in *gurcharan* which passed with the *kharíf* lands. The occupied *varkas* lands are mostly used either as seed beds or for the cultivation of hill grains; hence the necessity of resorting to *shindád* lands for *táhál*. When wood for agricultural implements and fuel cannot be had in the *gurcharan*, we go to the old demarcated forest for it. An agricultural depôt was established at Dugád three years ago; it was intended to supply wood materials for about twenty-five villages in Dugád *mahál*. The depôt was stocked with ploughs and other wood for agricultural implements. Some *táhál* was also brought and kept for sale there one year. But the depôt was availed of only by a few persons who bought such wood as was fit for their implements. What was left as unserviceable was afterwards sold by auction. The people bought some of the wood to show that they availed of the arrangement made by Government, and removed other wood required by them from the jungles just as they did before. They could do this only by paying for the connivance of the forest guards. I buy my wood-supply either at the depôt or cut it from my *málki* numbers. I have heard what I stated above about the connivance of the guards from my sub-tenants and other people who came to me for business. I told them that they ought to complain about it but they said it would cost them so much trouble and

time, that it was not worth their while to do so. Four or five years ago, one Vithu Pátil of Mohili cut some *táhál* from the *shindád* in his *vahivát* in the *gurcharan* of the village; it was attached by the forest inspector and the *mámlatdár* estimated the value of it at Rs. 30 or 31 at the rate of two annas per cart with the assistance of a *Panch*. I was one of the *Panch*. Vithu told me afterwards that he had to pay the value of the *táhál* to Government. Vithu cultivates about thirty acres of *kharíf*. One Rágho Dhágo Dalvi was in the same year convicted and sentenced to one day's imprisonment and Rs. 5 fine for having cut a *khair* tree for his plough from the *gurcharan*. Some of the *sheras* written opposite the *gurcharan* in Form No. 1 regarding the proprietorship of fruit trees have been erased in the villages of Dugád and Akloli. Eight or ten years ago the *talátis* prepared lists of fruit trees in *gurcharan* numbers. In 1882 the usufruct of these fruit trees was sold by auction. One of the rayats claiming the fruit trees in the *gurcharan* had applied to the *mámlatdár* that the sale should be cancelled, but I do not know what was the result of the petition.

By the Commission.

I did not point out my *varkas* lands to the survey measurer. One of the Vatandár *pátils* did. The inhabitants of other villages have no right to use our forest for *táhál*; if they came now we would prevent them, because they have no *vahivát*. If they came, we would have to go further in the forest for our supply. In the *shindád* pieces in individual *vahivát*, no one but the *vahivátdár* cuts *táhál* or any wood for fuel. Cattle are, however, allowed to graze everywhere. When Colonel Francis said that all the trees in occupied lands belonged to the rayats, he did not except teak or blackwood. I did not buy the teak in my *málki* numbers. There were a few trees in my lands at the time of the Survey; they have improved a little in size since. I lop the *injáili* trees in my lands every year for *ráb*. I got the *injáili* trees in four or five *varkas* numbers in my possession cleared five years ago. I sold the trees to a Thána trader for about a hundred rupees. All the trees were of stunted growth and unfit for building purposes. I do not attribute this result to their being lopped. I cannot give any reason for the trees getting stunted or their getting rotten in the core. Since I cleared the trees my supply of *táhál* has diminished, but the grass-supply has increased. If sufficient grass can be got for *ráb*, no *táhál* is necessary; my *táhál* supply is however gradually improving as the new shoots from stumps are coming up. I lop the side branches every year and the lopping improves the main shoot. The grass produce of from three to six acres is necessary for each acre of rice when grass alone is used. One-hundred and twenty-five *bailás* or loads of grass are required to burn *ráb* beds for one acre of rice. When my *varkas* lands were measured at the Survey I understood that I was free to do as I liked with them. I did not understand that they were specially given to me for *ráb*. The *ráb* was to be supplied both from the *varkas* and the *shindád* lands which had not been measured off. If the latter had been entered in my name I should have cut or refrained from cutting there in respect to my own wants knowing that, if I exhausted the supply, I could not ask for more. I lopped the teak in my numbers about ten years ago. There was then no prohibition to lop such trees.

WITNESS No. 23—(BHIVANDI *Táluka.*)

8th February 1886.

MÁDHAVRÁV ANANT, a Parbhu, cultivator and *inámdár* of Bhádáne, aged 50, residing at Bhádáne, stated in reply to questions

By the Secretary, Thána Forest Association,

Bhádane is a *sharákati inám*. One-half of the village is held by me as *inám*. I am an elected member of the Táluka Local Board. I have been a member of the Local Fund Committee ever since 1864. I am also a *suti*-holder in the village, holding fifty-five acres of *kharíf* and hundred acres of *varkas* assessed at Rs. 275. Bhádáne has been surveyed. The *kharíf* lands were measured according to *vahivát*, but the *varkas* lands were broken into numbers on maps by scale and they were allotted afterwards by the classers according to the people's *vahivát*; but in this arrangement all the *shindád* lands from which loppings for *ráb* were obtained were included in the *gurcharan*, and the allotted *varkas* comprised only the land formerly used by the people for *nágli* cultivation and for *ráb* beds. Colonel Francis announced the new rates. He did not say anything specifically at the time as to the use that was to be made of the *shindád* lands included in the *gurcharan*. He explained to the people in general terms that each was to abide by his *vahivát*. We understood by this that we were to use the *shindád* in the *gurcharan* as hitherto. Six numbers measuring 260 $\frac{3}{20}$ acres have been set apart in the village as free grazing at the Survey. Five numbers are endorsed in the *sud* as simply free grazing, and one number, No. 218, is endorsed for free grazing and protection of forest. The *shera* runs thus: *gurcharnikade mophat thevila áhe—ránáche rakshan karane.* The last three words have apparently been added in a different handwriting. They were added before the *sud* was handed over to me by the Survey Department. All these numbers have been notified as Protected forest. Portions of Nos. 218, 98 and 136 bearing trees are in the individual *vahivát* of the people as their *shindád*. Some of the rayats fetch their *táhál* in rare

instances from the *gurcharan* lands of Vándre, which are near the river. I get enough *táhál* from my *málki varkas* and the *shindád* in my *vahivát* for the rice lands that I cultivate. I do not know whether my tenants have to go to other villages for it. Formerly we obtained wood for agricultural purposes from the forest of Nevádé and Umbarkhand. Since 1883 people have been prevented from using the jungle. Up to 1874-75 no permission was necessary. From 1874-75 to 1881 we were required to obtain permits for removing wood, but nothing was charged. In 1882, those who were able to pay were required to pay fees for obtaining permits. There are other jungles nearer than Nevádé, but *khair* wood, of which ploughs are made, is only to be had in Nevádé forest, so we resorted to it. Those who could afford to bring their fuel by carts, always obtained it from Nevádé, while head-loads were obtained from the jungles of Vándre, Sor, Anhé, Dohale and the village of Rái in Kalyán. There is only shrub jungle in the *shindád* land of my village. We cannot get any fuel from it. Up to 1874 no fee was charged for fuel; from 1874 to 1882, 8-anna fee was charged for every cart of fuel removed. In 1883 no wood was permitted to be removed. In 1884 the fee was doubled. I hear that in the current year the old rate for permit has been restored. I have since 1883 managed to get my fuel-supply by felling some of the trees, such as mangoes and *mowrás*, on my *varkas* lands. I also buy some wood from Káthodis. In 1882 orders were issued to the effect that no one was to enter the forests even for head-loads without a pass, but the restriction was removed towards the end of 1882 by a notification. The number of mango and *mowra* trees in my numbers has been reduced as I have been using them for fuel. I have not planted any new trees in place of those cut except a few mango trees. If the prohibition against removal of fuel from Government forests continues for eight or ten years, my *málki* numbers will have been completely denuded. There are some fruit trees in the *gurcharan* planted by the people. Village Register No. 1 contained entries of these trees. I hear they have since been erased. If the erasure of the *sherás* is held to extinguish the right of the people to these trees, I do not approve of it, although I as a sharer of the village revenues may be benefited by it. As a matter of fact they have not been stopped either from cutting the trees or taking the fruit. None of the trees in my village have been sold to traders, although the village is only two miles and a half from Khadavli Station.

By the Commission,

I am not aware that the *gurcharan* lands of my village have been disforested. Whenever I have to obtain wood I cut the side branches of trees of the size of these tent poles at first; if they do not improve by this treatment, I cut them down altogether. It is cheaper to me to obtain a cart-load by paying the fee of 8 annas than by buying it of the Kátkaris. Now that the fee is reduced I shall get my firewood again from the jungle and not cut my mango and *mowra* trees. I do not object to pay 8 annas a cart, but it will fall heavily on the poorer people. I think that actual cultivators, whether Pándharpeshás or not, ought to get their fuel free.

WITNESS No. 24—(BHIVANDI *Táluka*).

8th February 1886.

BACHU BIN RA'M PA'TIL, a Marátha, cultivator, aged 50, residing at Khadki, stated in reply to questions

By the Secretary, Thána Forest Association,

Khadki has extensive forests. I am the *vatandár* officiating *pátil* of the village. I hold six acres of *kharíf* and one acre and a half of *varkas*. I pay Rs. 20 as assessment to Government. There is some little brushwood in my *varkas*. I prepare the seed beds in the same ground. I also grow a little *nágli*. The *táhál* obtainable from my *varkas* is quite insufficient for my *kharíf* cultivation. I supplement the supply by cutting it from my *shindád* land which was included in the *gurcharan* at the survey and has since been put in Government forests. I do not know in what particular number has my *shindád* been included. Five other people have also their *shindád* pieces in the same number. We still continue to bring loppings from our *shindád*. The forest guards object to it. Last year my land was cultivated by one Máhádya Thákur. He was made to pay Rs. 1-4-0 for having removed eight cart-loads of *táhál* from my piece of *shindád*. The *táhál* consisted of *ain* and other *injáili* trees. Three other persons were similarly made to pay for *táhál* and fuel. A forest guard named Hari Bhad informed us that we were to cut *táhál* in the months of *Márgshirsh*, *Paush* and *Mágh* (December to February), but that as we cut later on, that is, *Phálgun* or March, we rendered ourselves liable to pay. The total *kharíf* area of the village is 175 acres, while the occupied *varkas* comes to 120 acres. Most of the holders are Pándharpeshás who reside at Bhivandi. There are only three holders who actually cultivate. The occupied *varkas* is mostly stony; there is no brushwood on it now. One number in the possession of Juma Kásim, a trader, contained some trees but they were all cleared in the year before last and sold to traders. Even the roots were dug out and removed. The area of that number is about eighteen acres. It contianed *khair*, *hedu*, *kalam*, *mowra* and such other trees. There were no teak trees. The cultivators of the *kharíf* land who are dependent upon this *varkas* number now find it difficult to obtain their *ráb*, but the holder tells them to throw up the lands if they chose. Juma Kásim secured the *varkas* number and the *kharif* land to which it was appended from a Thákur by paying Rs. 30 of assessment which

had remained unpaid to Government. This happened ten or eleven years ago. There are forty houses in the village, including those of Várlis. Many other cultivators have also parted with their lands to Juma Kásim. He has altogether sixty-two acres of *kharíf* in the village. The cultivators of the *kharíf* lands have to resort to the *shindád* land for their *táhál*. Inhabitants of some thirty or forty villages formerly resorted to the jungles of Khadki, Kuhe, &c.. for their fuel-supply.

9th February 1886.

We obtain our fuel and wood for agricultural implements from our forest notwithstanding the prohibition because we cannot help doing so. There was an agricultural depôt established at Bhivandi, which is eight miles from my village. There were no other depôts at a shorter distance. People could not afford to purchase wood from such depôts. None of the people from my village bought any wood from the Bhivandi depôt. They manage to get wood from their village forest by eluding the vigilance of the forest guard. Mr. Lawrence visited our village four years ago; we explained to him that we would be put to inconvenience if the lands of our village were made reserved forest, but he said he had to carry out the orders of Government. I do not know what privileges have been allowed to the people by Government in the matter of removing forest produce. Neither the *mámlatdár* nor the inspector of forest has told us anything about them. The villagers manage to remove wood when the guards are away. They have generally several villages to watch. The forests can be entered also by several paths and the guards cannot be everywhere. The guards seldom visit the forests, they go from village to village receiving food from the *pátils*. None of the other departmental inferior subordinates receive their rations from the *pátils*. The people feel they are at the mercy of the forest guards, who are looked upon as gods. The forests were taken care of before by the village officers and the rayats. The forest guards are only kept up to plunder the people. If I were asked to undertake the conservancy of the forest of my village, I would do so only by allowing whatever wood is necessary for the wants of the *bonâ-fide* cultivators of my village. As regards the people of non-forest villages who once resorted to our forest, I would carry out any order Government may choose to give, but I should like that the cultivators of those villages should also be allowed their customary privileges. I would allow no wood to be removed for sale. I think that even if the *pátils* were entrusted with the forests, they should be under the supervision of the inspectors as in old days. I think I should be able to enforce conservancy measures because, if the people's wants are legitimately supplied, they will have no motive left to break the forest rules. There are some twenty-five houses of Várlis, nine or ten of Thákurs, fifteen of Kolis and one of Káthodi in the village of Khadki. Except two Kolis who are holders of land, these people either cultivate as tenants or work as labourers. The Várlis and Káthodis are purely labourers. They find employment for about two months in the year. At other times they fetch fuel by head-loads for sale. One trip takes two days, and a head-load fetches about one anna and a half.

By the Commission,

I know I am responsible for the conservancy of the forest, but I am helpless where the villagers resort to it for their own wants. Last year there were extensive illicit cuttings of *khair* in the *jungle* of my village. I was not then in office. I counted the stumps of trees cut, which amounted to 3,000. About fifty or sixty Káthodis were employed in cutting the trees, and the wood was being removed for three months. Twenty-five to thirty carts were employed. This was removed to Bombay by Nándruk bunder. I believe the wood was removed by Háji Indya and Juma Kásim. The former remained in the village and paid the Káthodis, while Juma remained at the bunder. When the carts were seized Háji was present, Juma came afterwards. The Káthodis told the inspector that they were employed by Juma. The wood was removed under the plea that it was from *málki* numbers. The permanent *pátil* was then absent on leave and another man was acting for him. Both the guards and the officiating *pátil* were in hand and glove with the offenders. I had been to the camp of the forest officer of the division to give information, but I was prevented by people from interviewing the officer. There was an inquiry made by the forest officers in my absence, but as far as I know no one was punished. One of the forest guards who was in charge of the forest then has still charge of the same; the other guard has been transferred. I found out that some of the stumps were caused to be removed by the forest guards in order to efface the evidence; some stumps were burned by putting kerosine oil over them. If I had been in office at the time I would have arrested the offenders, that is, the Káthodis, and sent them to the *táluka* station. I saw the guards setting fire to the stumps with my own eyes. Várlis were employed by them to dig out the stumps and collect them in places before they were burnt. The guards also poured kerosine oil over the wood. I have stated all this before the First Class Magistrate. The names of the guards are Dáda and Ráma. Nine of the Várlis who were employed by the guards have also deposed as to what they did before the Chief Constable. I saw the round guard in the village about that time. He always puts up with Juma. I had been to the First Class Magistrate about a month ago to petition him in the matter of this cutting. I have a grudge against Juma Kásim. He once very nearly got me into a scrape. He prosecuted me for theft of a piece of *ain* wood meant for a *phali* or plank which he himself had cut from the jungle. I was acquitted. Jumá's motive in prosecuting me was to retaliate for my remonstrances against his cutting wood stealthily from Government forest on such a large scale.

Witness No. 25—(Bhivandi *Táluka*).

9th February 1886.

Já'nya bin Sakhya, a Vá'rli, labourer, aged 50, residing at Kuhe in the Bhivandi *táluka*, stated in reply to questions

By the Secretary, Thána Forest Association,

I cultivate some land in the village of Khadki on annual leases. I have two acres of rice for which I pay Rs. 6-4-0 to Government. Two years ago I was fined Rs. 1-8-0 for unauthorizedly cultivating some land. I did not obtain the previous permission as I had no money to buy the stamp paper on which the petition was to be drawn. I also cultivate some five acres of land of a Bania of Bhivandi. I procure my *táhál* from the *gurcharan*, that is, the lower part of the forest. The forest guards object to it, but we do not mind them, as we cannot do without it. There is no *varkas* land attached to the land I obtain annually from Government, but it adjoins the forest. The Bania's land has some *varkas* attached to it, but very little *ráb* material can be obtained from it. The earnings from my fields are not sufficient for the maintenance of my family which consists of ten members. We have to work off and on as labourers, or we have also to fetch wood and take it to Bhivandi for sale. Four or five loads of fuel are taken to Bhivandi at a time; they fetch about 4 annas on the average. We do not generally find employment on cutting of wood in Government forests. I get my ploughs from the forest without the knowledge of the forest guard. Once I got the wood from the *pátil's* land as I did not like to run the risk of being caught. We have to repair our houses every year. We obtain wood for the purpose from the jungle. I did not know anything about the big cutting in Khadki last year till I heard from the people that a *pherni* or general duty *kárkun* had come and attached the wood. After the last *Diváli* (Hindu holiday in November) the *Faujdár* or Chief Constable visited Khadki. He sent for me and asked me for some vegetables, which I supplied to him. The *Faujdár* took down the names of four of the *Várlis* of my village. I believe the names were taken down in connection with the wood cutting at Khadki.

By the Commission,

I have to pay twenty-five maunds of rice as *makta* to the Bania for his field which yields very little more than what I have to give to the Bania. The other field gives me about five maunds of paddy after defraying the Government assessment, but it goes to the *sávkár*. About twenty to twenty-five bundles of *táhál* are required for each *bigha*.

Witness No. 26—(Bhivandi *Táluka*).

Written statement of Ráo Sáheb Bá'la'ji Lakshman, Mámlatdár of Bhivandi, in reply to questions read by him before the Commission on 13th February 1886.

My service is 33 years. I have been *mámlatdár* for ten years, of which I served six years at Sháhápur, and for the last four years at Bhivandi. In Bhivandi *táluka* there are 201 villages, of which 192 are *khálsa*, five *inám*, and four *sharákáti*. The *táluka* originally contained 205 villages, but in 1863-64, 17 villages were transferred from the Bassein *táluka* and thus the total rose to 222. In 1866-67, 13 villages were transferred to Sháhápur and eight to Váda. In the original 184 villages of the Bhivandi *táluka* the settlement was introduced in 1860-61 and in the 17 Bassein villages in 1861-62.

At the time of the Survey the *varkas* was measured off into numbers and each number was divided into as many parts as there were usufructuaries. Each of these *varkas* plots was entered in the name of the usufructuary with its area, but was not marked off as *pot* number with the boundary marks. In the absence of such marks there are no means to ascertain what particular plots of *varkas* belong to what particular persons. Part of this apportioning was effected when the Survey operations were going on and part was done through the *talátis* at the time of the *jamábandi*. I herewith append a copy of the Superintendent of Survey's order No. 113, dated 14th March 1861, relating to the introduction of the revenue settlement in the *táluka* (*vide* Exhibit No. 40). It appears that by '*varkas*' was meant land devoted to *ráb* beds, *nágli*, *vari* and *udid* cultivation and grass plots. In rare instances *táhál* was also obtained from this land, but the term did not include *shindád* lands, pure and simple. There is nothing on the record to show that at the time of the *jamábandi* there were any express instructions as to the use that was to be made by the rayats of their allotted *varkas*. But it has been customary with the people to prepare rice seed-beds and grow *nágli*, *vari*, sesamum, *khurásni* and other *varkas* grains in their *varkas* land. They have been also cutting grass and *táhál*, if there be any trees, in such portions of their *varkas* as are not under plough. From the proportion of the *kharíf* to the allotted *varkas* in the *táluka* being one acre of *kharíf* to within one acre and a quarter of *varkas*, and from

the fact that people have been supplementing their *ráb* supply both before and after the Survey from *gávbhág, gurcharan,* unassessed waste numbers and such other places, it seems that the *varkas* allotment is not sufficient for the purposes for which it was intended. There is nothing on the record to show that there have been any complaints to the effect that the *shindád* lands of the rayats were not marked off at the Survey. I append herewith copies of the following replies to the petitions about their *shindád* lands made by the rayats of Sápronde when the village was in the Bhivandi *taluka,* handed over to me by Mr. Bhálchandra Yadneshvar :—

1. Reply No. 1804, dated 11th December 1863, from the Superintendent of Revenue Survey on the petition of the inhabitants of Sápronde (*vide* Exhibit No. 41).

2. Reply No. 128, dated 7th May 1864, from the Collector of Thána (*vide* Exhibit No. 42).

3. Reply No. 109, dated 13th September 1864, from the Commissioner on the petition of Govind Yadneshvar (*vide* Exhibit No. 43).

4. Reply No. 149, dated 26th September 1864, from the Commissioner (*vide* Exhibit No. 44).

Except in the 30 to 35 coast villages in the south-west of the *táluka,* where *ráb* is prepared of cow-dung, dry leaves, paddy chaff and grass, the *ráb* materials generally in use in the *táluka* are *táhál,* grass and cow-dung.

In answer to the question as to how did the people hitherto obtain their *táhál* supply, the *mámlatdár* quotes among others the following order :—

Circular Order No. 49, dated 12th August 1847, issued by Mr. John Sutherland Law, Collector of Thána. The circular relates to forest conservancy, and its third clause contains the following :—"The rayats should not be prohibited from growing *varkas* grains, but they should not be allowed to raise their *varkas* crops in the jungles of large trees. In the same way they should be allowed to lop trees for *táhál* in the places of their usual *vahivát,* but they should be prevented from felling full-grown or promising timber trees."

There is nothing on the record to show that there was any order about *shindád* prior to this. Before the Survey, *varkas* was not allotted and entered in the rayats' names and the assessment was levied on the area actually under *varkas* cultivation. From what is written about the cutting of *táhál* in the above circular, it seems that the people had a *vahivát* of cutting *táhál* in the jungles.

Besides the circular of 1847 referred to above, the following orders regarding the cutting of *táhál* were issued from time to time before the introduction of the Survey :—

(1). Notification dated 29th January 1852, prohibiting the sale of *shindád* lands on the ground that no special assessment was levied on it.

(2). Notification dated 17th February 1852, to the effect that the lopping of teak trees for *táhál* was prohibited.

(3). Circular No. 109, dated 8th July 1858, ordering that in lopping 12 kinds of trees such as *ain, khair,* &c., for *ráb,* one promising shoot should be left uninjured.

(4). Circular No. 35, dated 30th October 1858, prohibiting the people from felling or pollarding trees out of their *shindád* lands.

(5). Circular No. 66, dated 9th January 1859, noticed that some people had been fined for breach of the orders contained in No. 35 of 1858, referred to above, and explained that the object of the circular in question was to prevent people from cutting trees, and that it was not intended to prohibit the lopping of trees for *ráb* according to *vahivát.*

In 1860-61, when the Survey Settlement was introduced, the *varkas* and *kharíf* lands were measured off into numbers and the separate allotments were entered in rayats' names. There is nothing on the record to show whether any order was issued or any instructions given at the Survey Settlement regarding the *shindád* lands. For the period between the Survey year and 1866-67 there is nothing on the record about *shindád* lands. In 1866-67 there was a correspondence on a report from the Murbád *táluka* and an order was issued. The order states that there is no distinct authority in support of the *vahivát,* which exists, of cuttig *shindád* in Government *gurcharan* lands, nor is the cutting of *táhál* in such lands strictly prohibited. From this it appears that even after the Survey, people cut *shindád* in such lands and this *vahivát* of the people had continued up till last year.

The following orders regarding the cutting of *shindád* were issued from time to time after the Survey :—

(1). An order issued on the report from the Murbád *táluka,* No. 42, dated 21st February 1867.

(2). Collector's Circular No. 80, dated 24th April 1872, prohibiting the cutting of *táhál* from reserved and Government forests.

(3). Collector's Circular No. 44, dated 15th January 1873, clearing certain doubts in Circular No. 80 quoted above.

(4). Translation of Government Resolution No. 294, dated 28th January 1874, circulated under Collector's Circular No. 86, dated 6th March 1874. It states that reserving 17 kinds of trees, people should be allowed to cut *shindád* in Government lands.

(5). *Pránt Huzúr* Order No. 37, dated 2nd February 1876, admitting the right of the people to cut *shindád* and firewood and directing that people should be given to understand to that effect.

(6). Circular No. 57, dated 7th February 1876, permitting the inhabitants of such villages as have neither *táhál* nor wood for fuel to take those materials from the nearest forest from which they may have hitherto drawn them (*vide* Exhibit No. 45).

(7). Circular No. 36, dated 27th November 1882, allowing those that have either no *varkas* or insufficient *varkas* to take *táhál* from Government forests.

(8). Circular No. 40, dated 13th December 1882, allowing the people to cut *táhál* in the *gurcharan* lands and in the protected forest from January to March of 1883.

(9). Circular No. 44, dated 21st December 1882, allowing the people to remove *táhál* and wood for fuel from the Protected forest.

If the Circular No. 30, dated 30th October 1885, clearing doubts regarding the concessions given from time to time and introducing the forest settlement and demarcation, were brought into force, the people would be put to the following inconveniences :—

(1). The area included in Reserved forest is 33,239 acres and 10¾ *gunthás* and the area included in Protected forest is 7,806 acres and 31 *gunthás*, and thus the total area taken up for forest is 41,036 acres and 1¾ *gunthás*.

(2). There are about 175 forest and 121 non-forest villages. No concessions have been made to the non-forest villages and no reason has been assigned for treating them so. If the present settlement were strictly adhered to, it will not only be prejudicial to agriculture and cause inconvenience to the people but will also affect the Government revenue.

(3). The state of wild tribes such as Thákurs, Kátkaris, Várlis and Kolis is of extreme poverty and their residence in the jungles lessens the chance of their ever coming under the influence of civilization. Taking the above facts into consideration they have been allowed to remove dead wood for sale. This concession may be further extended and they may be allowed to cut *kárvi* for sale without any fee. At Bhivandi and four or five other places in the *táluka* where Pándharpeshás live, the demand for *kárvi* is considerable, but if any fee is charged on head-loads, the wild tribes will cease to bring it. And as there is nobody to import it for sale by carts, it will remain unremoved, thereby causing injury to the forest. If the wild tribes were permitted to remove this produce without any fee it would be advantageous in several ways. To the wild tribes it would be an additional means of earning their livelihood; the inconvenience suffered by the people on account of the short supply of *kárvi* would be removed; and the produce would be got rid of from the forest.

(4). Such of the inhabitants of the *benádi* villages as follow agricultural pursuits ought to get wood for fuel, but no such provision is made in the present resolution. About this subject there were two circulars from Mr. Robertson, the then Collector of Thána, one under No. 25 of 8th October 1863 and the other under No. 36 of 7th November 1863. On a reference from the *mámlatdár* as to some doubtful points contained in the circulars the Collector in his No. 247, dated 3rd December 1863, directed that the inhabitants of non-forest villages should be allowed to take wood for fuel from forests of the neighbouring villages according to their *vahivát*. This was in fact a repetition of paragraph 5 of the circular issued by Mr. John Sutherland Law, Collector of Thána (No. 49, dated 12th August 1847,) to the effect that the people, who have the *vahivát* of removing wood for fuel from *oshik* and *kuran* lands, may not be prevented from following their *vahivát*. The first paragraph of Collector's Circular No. 57, dated 7th February 1876, is also to the same effect. From what I have heard during my tour in the *táluka*, I believe that the inhabitants of non-forest villages used to bring their fuel supply from forest villages without paying any fee. Though there is a sort of custom that the inhabitants of particular non-forest villages should obtain their supplies from particular forests, no special and formal inquiry appears to have ever been held nor any decisions recorded as to such custom. I think, however, it will be fair to allow the agricultural population of non-forest villages to bring wood for fuel from forest villages without paying any fee as before.

(5). Treating on the subject of *táhál* the settlement resolutions directs that people should be allowed to cut *táhál* from any tree, except teak, blackwood, sandal and fruit-trees in the Protected forest; but in the present forest demarcation the extent of the Protected forest is very small, while that of the Reserved forest is very large. For

instance, the Protected forest areas in the villages of Pagáv, Depoli, Borivli (near Kukse), Láp Budrukh, Váhuli and Sonále are so small that the want of *táhál* for *rán* will be keenly felt.

(6). As regards wood for fuel I have given my opinion in clause 4.

(7). About minor forest produce I have no remarks to offer.

(8). The Collector's Circular No. 24, which is based on Government Resolution No. 7467 of 15th September 1885 about free grazing, does not clearly state anything about free grazing allowed to cattle of non-forest villages. If free grazing, however, be allowed to agricultural cattle of both forest and non-forest villages, people will have no room for complaint.

(9). As no provision has been made in the Resolution for supply of wood required for agricultural implements of the cultivators of both forest and non-forest villages, the settlement will work harshly upon the people.

(10). No provision seems to have been made for the supply of wood required for building the huts of poor agriculturists. They should be accommodated. Much of their inconvenience would be removed if they were to get free the materials required for building their huts and cattle-sheds and erecting stages for hay stacks.

The following entries appear in the village *suds* opposite the unassessed waste lands in the *táluka:*

(1). *Gurcharnikade mophat thevila ahe.* For free grazing.

(2). *Rán rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the jungle.

(3). *Rán rakshan karun gávchi gure mophat chárávi.* Village cattle to be grazed free, preserving the jungle.

(4). *Gávchi gure mophat chárnyás thevila áhe.* For grazing village cattle free.

(5). *Ságáchi jháde astil tyánche sanrakshan karun gurcharnis thevila áhe.* Cattle to be grazed, preserving such teak trees as may be on the ground.

(6). *Ságáche rán rakshanákade thevila áhe.* For preservation of teak forest.

(7). *Ságáchi jháde astil tyánche rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving such teak trees as may be on the ground.

(8). *Gávche gurás mophat thevila áhe.* To be used free by village cattle.

(9). *Gurcharnikade thevila áhe.* For grazing.

(10). *Gávche gurcharnikade mophat thevila áhe.* Kept for village free grazing land.

(11). *Ságván jangalche rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the teak forest.

(12). *Gávche gurás mophat cháráva.* Village cattle to be grazed free.

(13). *Jangalche rakshan karun gávche gurás mophat thevila.* To be used free by village cattle, preserving the jungle.

(14). *Gurcharnikade mophat thevila áhe, Superintendent ávak nambar 982 san 1862 che hukumávarun.* Kept for free grazing under the authority of Superintendent's inward No. 982 of 1862.

(15). *Sarkári gurcharan mauje Vadivli yethil najik aslyámule tya gávche gurás mophat charnyás thevila áhe.* Waste number in the village of Dávli is endorsed as set apart for free grazing for the cattle of the village of Vadivli to which it adjoins.

(16). *Gurás mophat.* To be used free by cattle.

(17). *Jangalkade.* For forest.

(18). *Ya nambarántil darsál gavtáche leláv karáve.* Grass from this number should be sold by auction every year.

(19). *Gurcharnikade sabandha padiche taktya pramáne thevila.* Kept for grazing as per statement of whole waste numbers.

(20). *Rán rakshnákade ruju gurcharnikade mophat thevila áhe.* For preservation of jungle (the above entry has been cancelled by writing the word *ruju* and the following entry seems to have been substituted): set apart as free *gurcharan* (grazing).

(21). *Rán rakshanácha ason táhál todtát va gure chártát ruju gurcharnikade mophat thevila áhe.* Set apart for forest. *Táhál* is cut out of this number and cattle also grazed there (the above entry is cancelled by writing the word *ruju* and the following entry seems to have been substituted): assigned for free grazing.

(22). *Vancharáiche leláv darsál karit jáve.* Grazing should be sold by auction every year.

(23). *Binákári bhuibhádyákade.* Unassessed land to be given on ground rent.

(24). *Rán rakshan karun vancharáiche leláv darsál karit jáve.* Grazing to be sold by auction every year, preserving the jungle.

(25). *Vancharáikade ruju gurcharnikade mophat.* For grazing (the above entry is cancelled by writing the word *ruju* and the following entry seems to have been substituted): for free grazing.

(26). *Gávche gurás mophat charnyás thevila áhe, sabandha padiche taktyás shera lihilya pramáne nambar 37, 40, 72, 76, 117, 119, 120, 121, 140.* Kept for free grazing for village cattle as per endorsement in the statement of whole waste numbers opposite survey Nos. 37, 40, 72, 76, 117, 119, 120, 121, 140.

(27). *Superintendent Tháne ávak nambar 636 san 1864 che hukumávarun sadarhu nambar jangalkade thevile tárikh 14 May 1864.* The number is set apart for forest under the authority of Superintendent of Thána's Inward No. 636 of 1864, dated 14th May 1864.

After the Survey in 1866-67 State forest was demarcated in 36 villages and entries to that effect were made in the *sud* against such numbers as were included in the State forest. The remaining numbers were included in the village forest with corresponding entries against them in the *sud.* Since then grass in the State forest has been sold by auction.

By order No. 125, dated 5th July 1870, the Collector directed the sale of grass in numbers included in forest (*vide* Exhibit No. 46). There are no other orders forthcoming to enable me to trace the history of previous demarcations.

Two orders were issued by the Superintendent of Survey under outward Nos. 280 and 113 of the 27th August 1860 and 14th March 1861 containing the terms of the Survey Settlement introduced in the *táluka.* In the Survey record no mention is made of trees standing in survey numbers entered in the rayats' names at the time of the Survey. When Ellis' rules (*vide* Exhibit No. 47) were communicated to the *táluka* for guidance under the Collector's Order No. 23, dated 29th August 1866, a Panch estimated the value of teak and blackwood trees in occupied numbers. The value thus estimated was recovered from the occupants who were willing to pay, and the money was credited to Government. But the right over such trees as were not purchased by the occupants remained with Government. Endorsements relating to these transactions were made under the signature of the *mámlatdár* in the Village Form No. 1 in 1875. All trees except teak and blackwood were made over to the owners of *málki* numbers without receiving any price for them; and in places where Government was the usufructuary of fruit-trees, the Government right over such trees was sold to rayats. It would be desirable for Government to get rid of their right over trees in occupied lands, because the *varkas* allotment in the *táluka* is rather limited. In this *táluka* the total acreage of rice land is 35,920 acres and 1¼ *gunthás* and that of *jiráit* land is 42,102 acres and 34⅝ *gunthás* consisting of *rabi* land 2,613¾ acres and *varkas* land 39,489 acres and 4⅝ *gunthás.* As the *varkas* is not sufficient for the rice land, the occupant should have the option of keeping or cutting trees on his *varkas* land. The imposition of any restrictions on the cutting of trees would be an interference with his *vahivát.* I do not think it necessary to place any restrictions on the cutting of trees from *málki* numbers for trade, because the extent of the *varkas* land in the possession of the people is very limited and it is essentially required for their *vahivát.* It would be oppressive to place any restrictions on the selling of a few trees from *málki* numbers for the owner's own convenience.

The population of the wild tribes of the *táluka* according to the census of 1881 is as follows:—

Kolis	1,000
Kátkaris	4,819
Várlis	1,373
Thákurs	1,925
Total ...	9,117

The total number includes both males and females. The wild tribes living in villages within the radius of six miles from Bhivandi to the east and west part of Ghotavda hill, fetch firewood, *kárvi*, leaves, and wild fruit by head-loads and sell them at Bhivandi, and those on the Padgha side sell the same at Padgha. Excepting the season of field work, nearly for eight months almost all the wild tribes eke out a living by this means. The cultivators employ wild tribes in field work during the transplantation and reaping seasons. Dealers in wood employ them as axemen on cutting and splitting wood. They are seldom employed by traders. As a rule the wild tribes cultivate a small extent of land. Only a few of them have land of their own. They cultivate other people's land on *makta* or Government land on an annual lease. Some unauthorisedly cultivate unassessed waste and assessed unoccupied land. If the privilege of removing forest produce granted to wild tribes were withdrawn, the withdrawal would be more keenly felt by them than the other labouring classes.

Firewood to a limited extent only is exported to Bombay from the Bhivandi *táluka.* The principal routes by which it is taken to Bombay are Bhivandi and Junándrukh bunders by water and Khadavli and Vásind Railway Stations by land.

There are no professional graziers in this *táluka*, nor are any cattle brought for grazing from outside. Only in rare cases a few people in Sálsette send a head or two of cattle to graze in the *ránpatti* villages during the monsoon; but the rayats who look after the keep of such cattle can hardly be called professional graziers. The number of such cattle in the whole *táluka* may be about 500 and the tending charges per head are four annas.

Dry grass is exported to Bombay by traders by sea. I am not aware of any instance in which the people have cleared their *varkas* lands of trees and shrubs in order to turn them into grass *kurans;* but the people from villages in the interior sell grass from their *varkas* lands to traders in coast villages; and many other people residing within a radius of six to eight miles of a bunder sell their grass with a view to make money whenever there is a demand for it.

Though people have in rare instances sold or purchased *kharíf* without its appendant *varkas* or *varkas* alone, it is not generally the practice to do so. If there have been any instances they must be considered exceptional ones. When *kharíf* even of the best quality is sold without its appendant *varkas*, it does not fetch its proper price.

I have no means to show by facts that the subordinates in the Forest Department are generally corrupt. In the absence of proof no steps can be taken against them.

In the old *gurcharans* there had been some old trees, and some new ones were planted by the people. On the receipt of the Collector's Circular No. 75, dated 23rd February 1866 (*vide* Exhibit No. 48), an inquiry was held in the matter of these trees and lists were drawn up by *talátis*, and depositions of people were taken. It appears the people were allowed to plant trees by paragraph 8 of Circular Order No. 49, dated 18th September 1847, issued by Mr. Law, the then Collector of Thána. But under the Collector's Circular No. 19, dated 14th November 1881 (*vide* Exhibit No. 49), the usufruct of such trees was put up to auction. As people feared that they would lose their rights, only a few came to bid at the auction and so the revenue realized was small. In two years—1882-83 and 1883-84—the revenue derived from this source was credited to Government. But since 1884-85 the auction sale has been put a stop to under the authority of the Collector's Outward No. 2, dated 2nd October 1884, issued in compliance with Government Resolution No. 5251, dated 1st July 1884, and the people are again allowed the usufruct. Now the complaint of the rayats is only for the wood of the fruit-trees. The order under which the *sherás* about trees were written in Village Form No. 1 is not forthcoming, but the *sherás* appear to have been written under the authority contained in Hope's Manual. The *sherás* regarding proprietary trees in unassessed numbers written in some places in Village Form No. 1 have been cancelled by red ink lines running over them under orders which were issued on a report of the *mámlatdár* of Murbád after the issue of the Order No. 19 quoted above.

Documents, &c., referred to in the Statements of the Witnesses of the Bhivandi Táluka.

(1). One Vithu Dharma, Pátil of Mohili, cut *táhál* of reserved trees in Mohili. The correspondence which ensued thereon bears Bhivandi Criminal Huzúr Inward No. 87 and Thána District Magistrate's Criminal Inward No. 189, and it ended in an order directing that Rs. 27-2-0, the price of the *táhál* cut, should be levied. The amount was recovered and credited to Government on the 20th August 1881. The correspondence is not now in the *táluka* office, but was forwarded to the *Huzúr*. In the remittance report of the *taláti* the amount has been shown to be the amount recovered for cutting *shindad* of reserved trees.

(2). Rágho bin Dháu Dalvi was charged with the offence of theft for cutting three pieces of *khair*, an *injáili* tree, valued at 4 annas, for his plough in the protected forest Survey No. 154, and was convicted and sentenced by the Second Class Magistrate of Bhivandi to simple imprisonment for one day and a fine of Rs. 5, in default of which he was to suffer ten days' rigorous imprisonment.

(3). It is stated in a statement (before the Commission) that a petition was submitted in the year 1882 praying that the mango trees in the *gurcharan* of Akloli and Dugád might not be put up to auction, but the petition cannot be traced in the office records.

(4). Copies of the following orders, issued from time to time with regard to the imposition and removal of restrictions on the cutting of wood for fuel, are appended:—

(*a*). Circular Order No. 44, dated 21st December 1882, declaring that there is no objection to bring wood for fuel required for household consumption from the Protected forest in forest villages (*vide* Exhibit No. 50).

(*b*). Circular Order No. 52, dated 30th December 1882, allowing the residents of forest villages to remove without charge firewood, &c., for their household purposes from the Protected forest of their village (*vide* Exhibit No. 51).

(*c*). Circular No. 116 based on Government Resolution No. 3903, dated 22nd May 1883, cancelling the order No. 52 (*vide* Exhibit No. 52).

(5). The order to the effect that a pass is required for entering the forest is not forthcoming on the record. Copies of the following orders directing that wood while in transit from one village to another should be covered under a pass are herewith forwarded :—

(*a*). Notification No. 1, dated 31st October 1882 (*vide* Exhibit No. 53).

(*b*). Circular No. 41, dated 13th December 1882, regarding passes (*vide* Exhibit No. 54).

(6). I also forward a copy of the notification declaring that passses were not necessary in certain cases (*vide* Exhibit No. 55).

(7). The correspondence regarding Rs. 4-10, the price of the *táhál* and firewood, levied last year by Hari Bháu, overseer, from Máhádu Thákur and three others of Khadki Budrukh, is not in this office, but may be with the Range Forest Officr of Bhivandi. The correspondence on the subject bears Range Forest Officer of Bhivandi's No. 5, Pránt Bhivandi Inward No. 207 of 1884-85, and Táluka Bhivandi Huzúr Inward No. 679. The Forest Department urged that the *táhál* cut was not loppings but thick branches and was cut in the Protected forest survey Nos. 122 and 123 of Khadki. The following are the detalls of the sums recovered :—

Rs.	a.	p.	
1	2	0	Kálu Lakhu Padval, for 9 carts, at 2 annas each.
1	0	0	Máhádu Padya Hindole, for 8 carts, at 2 annas each
1	4	0	Malu Dharma Bhoir, for 10 carts, at 2 annas each.
1	4	0	Náu Krishna Ketya, for 10 carts, at 2 annas each.
4	10	0	

There is no record about Rs. 1-4-0 having been received from Máhádu Thákur, but one rupee only has been received as detailed above.

(8). There is no correspondence about 3,000 trees having been cut at Khadki Budrukh ; but the correspondence about 600 or 700 trees is with the Chief Constable at Bhivandi.

The people say that they have had their individual *vahivát* of cutting *shindád* in the *gurcharan* of every village from before the survey ; but there is nothing on the record to prove this. It cannot be clearly ascertained unless the ground claimed as individual *shindád* land by each person is visited in person and investigation held on the spot.

Witness No. 27— (Kalyan *Táluka*).

23rd January 1886.

Ráv Sáheb Sita'rá'm Da'modar Ovalekar, a Kshatriya, mámlatdár of Kalyán, aged 43, residing at Kalyán, stated in his examination

By the Commission,

I have served for six years as a *mámlatdár* and for three years in the Kalyán *Táluka*. The Survey was introduced in Kalyán in 1858-59. The *varkas* land, including *shindád*, was measured off and entered in the occupants' names according to their existing *vahivát*. The numbers so marked off included all the lands in which the people used to cultivate *nágli* and take grass and *ráb* materials. I have heard of no complaints of lands in which people had a user of cutting *ráb* previous to the Survey, not having been entered in the names of the persons who had such user. I have not heard of any cases in which occupants have thrown up the *varkas* lands entered in their names at the Survey, because they did not care to pay the assessment newly imposed thereon, while they could get all the *ráb* materials, &c., they wanted from the unallotted waste. *Varkas* lands in this *táluka* generally require two years' fallow after two successive crops. *Varkas* lands are not cultivated so extensively in Kalyán as in other *tálukas*. One reason for this is that it is more remunerative to keep the land under grass, if it is anywhere near the creek or the railway, than to grow hill grains on it. In about a third of this *táluka*, where there are no forest lands, the people use grass and cow-dung only for *ráb*. In the rest of the villages they use loppings of trees as well as cow-dung and grass ; cow-dung is carefully collected everywhere and utilized to its fullest extent. In the Páchnand *mahál* cow-dung is used for fuel to some extent. Cow-dung is more easily collected in the plain villages than in the forest villages. The people prefer to use *táhál ráb*, if they can get it. There is no difference in the system of *ráb* followed for rice and *nágli* cultivation. At the Survey all the unassessed unallotted lands, except *kurans*, were assigned for grazing purposes. In a few *gurcharan* lands in some villages fruit trees were entered as being the property of individuals in Village Form No. 1 from a list of trees made by the Col-

lector's orders. These entries were subsequently erased under orders given by the Collector's circular No. 19 of 14th November 1881, on the authority of G. R. No. 6550 of 3rd November 1881. I cannot at present give the authority for the original entry of these erased *sherás* in Form No. 1, but will refer to records. I will also give full information as to the *sherás* entered opposite the various unassessed waste lands. The first forest demarcation in Kalyán was effected by Mr. Sinclair in 1878-79. By this demarcation 7,888$\frac{39}{40}$ acres were taken up as first class reserve and 24,868$\frac{7}{8}$ acres as second class reserve. This was the only demarcation prior to the Forest Act. At the Survey Settlement there were no definite orders given as regards trees in occupied lands. Afterwards the trees were counted and lists made. The trees were then disposed of under the Ellis rules. The value of the teak was recovered as estimated by a *Panch* in each village. Most of the occupants took advantage of the Ellis rules and bought the trees. It was found afterwards, about 1866-67, that the enumeration of the trees had been improperly made by the *talátis* and *Panchas;* that less trees were entered in the lists than were growing on the lands. In some cases occupants had paid in full; in others they had made payments in part. The *mámlatdár,* in cases where no money or only a part of the price of the trees had been paid, was directed to make no further collections pending orders. The rules allowing the rayats the option to purchase the teak trees have been suspended. We are now under recent orders recovering the balances due from occupants, who paid only a portion of the assessed value of the trees. The value of the trees as assessed by the *talátis* with the aid of village *Panchas* was extravagantly low. In one case an occupant who had paid for 125 teak trees at 4 annas a tree in 1863, claimed 1,637 trees in 1869. He was stopped from cutting the excess trees, and sued the Collector to have his right declared to all the trees. The commissioners appointed by the Court to count the trees reported in 1870 that there were 692 trees over eight years old, and 945 trees under that age; and at the time the trees were counted and reported by the *taláti* and *Panch* to be only 125, there must, therefore, according to the evidence, have been at least 692 trees. The result of the suit was that the owner was allowed all the trees, on the ground that the occupant had purchased the right, not to a specific number of trees, but to all the trees in the survey numbers, and that an erroneous estimate by the defendant's agents did not affect the right of the purchaser. I allude to the case of Malang valad Imám *vs.* the Collector of Thána (Special Appeal No. 267 of 1872). Other similar cases of improper enumeration were brought to light. Three *talátis* were dismissed; one *mámlatdár* was made to take pension, and an *awal kárkun* was transferred in consequence of these frauds. The *talátis* were responsible for this counting of the trees, but not for the price which was fixed as an all round rate by the Collector. The all round rate of 4 annas was not too low at the time the trees were valued. When I say that price was extravagantly low I take into account the fact that many more trees were cut than were counted and paid for on account of the facilities for disposing of wood. More trees have been cut in occupied lands in this *táluka* than ought to have been cut with regard to local wants.

This is due in some respect to the absence of any restrictions with regard to cutting trees in occupied lands.

The *ráb* supply has been to some extent diminished by reckless cutting of trees in occupied *varkas* land. If possible it would be advantageous if some restrictions could be placed on the cutting of trees in occupied lands. I think every occupant of *varkas* should be compelled to preserve at least ten mature trees suitable for *ráb* purposes per acre. If this were done no restrictions on sale would be necessary. There are about 2,000 acres of salt rice lands in this *táluka* which require no *ráb*. This salt land is all in the Páchanand *mahál*. I think if the allotted occupied *varkas* land was fairly distributed amongst the occupants of rice land, there would be a sufficient area for *ráb* purposes. At present some have more *ráb* land than they want, some less. For each acre of *kharíf*, I consider, two to three acres of *varkas* sufficient for *ráb*, *varkas* cultivation and all requirements such as grass for *ráb* purposes. According to former inhabitants in non-forest villages resort to the nearest forest villages for firewood, and wood for agricultural implements. They do not go for *táhál* to any distance. They would not go more than two or three miles for *táhál*. They will go six or eight miles for firewood. I have never heard of *táhál* being sold by one cultivator to another. It would not be possible to get precise information as to the time when the residents of one village first established a custom of resorting to the jungles of another village. People would as a rule object to any new comers who had no former *vahivát* using the jungles of their villages. There is a clear understanding as to what villages are in the habit of getting supplies from particular forests.

2nd February 1886.

Under the new settlement of forests of this *táluka*, the area of protected forests has been too much curtailed, for instance, in the village of Dánbáv, Survey No. 29, measuring 442$\frac{1}{5}$ acres, is all entered as Reserved forest. At the time of the Survey the grazing in this number was allowed free to the village cattle (*jangalche sanrakshan karun gurcharnikade mophat thevla áhe*). The people would be put to inconvenience if free grazing were not allowed in this number. Another inconvenience likely to arise is that the people would be prevented from cutting *táhál* in the portion of the number which was formerly a Protected forest. I know the system which has been proposed for *ráb* compartments in Reserved forest blocks as described in Government Resolution

No. 3890 of 14th May 1885. Taking into consideration the supply which would be thus available and the other minor privileges for removal of *ráb* material from Reserved forest, I think, if the system is fairly carried out, and the people get in time the material they wanted and at not too great a distance, the arrangement will work fairly and be a reasonable substitute for the privileges the people enjoyed before in the Protected area. The case of many other villages is the same as that of Dánbáv. I am of opinion that the new settlement will cause some discontent among the people at first, but ultimately it will work smoothly as the people get accustomed to it. During the last season the system of felling by compartments for *ráb* was tried in twelve to fifteen villages. It was thoroughly explained to the people, but no one took *táhál* from the trees so cut. People raised objections and thought that if they accepted the new arrangement, they would be waiving their claim to cut according to their former *vahivát*. Out of these villages, in one village, namely, Shirgáv the people cut *táhál* from Government lands afterwards, but when the matter was enquired into by the *mámlatdár*, they said they cut under a misunderstanding and that they would not repeat the mistake. I produce for perusal a report made by me on the subject.

Unoccupied waste lands were set apart at the time of the Survey Settlement for free grazing and other purposes.

The following *sherás* appear in *suds* opposite lands so set apart :—

(1). *Ságáche rakshan karun gurcharnikade.* Assigned for grazing, preserving the teak.

(2). *Sarkári.* Government.

(3). *Ságáche jhádáche rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the teak trees.

(4). *Gurcharnikade.* For grazing.

(5). *Gurcharnikade mophat thevila.* Assigned for free grazing.

(6). *Sarkári ságván.* Government teak.

(7). *Oshik bin ákári.* Unassessed waste.

(8). *Jangalche rakshan karun gurcharnikade mophat thevila áhe.* Assigned for free grazing, preserving the jungle.

(9). *Gávche rán.* Village forest.

(10). *Sarkárche rán.* Government forest.

(11). *Rán rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the forest.

All lands that have not been put down by the Survey either as *kuran* or as *lilávákade* have been allowed to be used by the village cattle whether specially set apart as *gurcharan* or not. Latterly, I believe, that some of the waste lands transferred to the management of the Forest Department have been sold every year for grazing. Lands endorsed for free grazing subject to the conservation of trees have been used for *shindád*. I do not consider that lopping for *ráb* is inconsistent with the injunction to conserve the tree growth. I should consider any felling of tree inconsistent with this injunction. I think that lopping if carefully done will not harm the tree, but if anything more than pruning is done it may injure the tree. The rayats generally cut indiscriminately. I do not know that in any case people claim individual *vahivát* in *gurcharan* lands.

3rd February 1886.

According to old custom, the inhabitants of non-forest villages obtain their fuel supply and minor forest produce from the nearest forests. I do not consider that any distinction should be made in this respect between the inhabitants of forest villages and those of non-forest villages. The whole area formerly enjoyed as free grazing at the Survey Settlement should always he kept open. When any portion which cannot be closed without inconvenience, is closed, its equivalent should be allowed. There are a few Dhangars in Chon *mahál*; these are the only professional graziers in the *táluka*. They keep about 1,500 head of cattle. They graze in free grazing lands and in grass lands which are auctioned every year. In the latter case they pay some small fee to the farmer; I cannot say how much. The principal wild tribes in my *táluka* are Káthodis, Malhár Kolis, Son Kolis, Ráj Kolis and Thákurs. Thákurs and Son Kolis cultivate to some extent; others find employment in fields or fetch forest produce and take it to Badlápur, Kalyán and Titvála for sale. They are employed in field work for about four months in the year. The head-loads of firewood are mostly sold to the inhabitants of the *táluka*. A small quantity is probably sold to the traders, but there is not much demand for head-loads among the traders, as the only fuel exported from the *táluka* is what is known as *kita*.

I have heard a few cases of corruption on the part of the forest guards, but not of any organised system of contribution from the villagers. No regular complaints were ever made to me, so I did not report the matter to the higher authorities. When a forest theft occurs, the forest guards generally content themselves by simply reporting the matter to their superiors, who forward the reports either to the police or magistrate for further action. When the police *pátil* discovers the theft, he reports to the magistrate, who sends it to the forest ranger, who in his turn refers it to the round guard. This officer generally reports that after careful inquiry no clue can be obtained and there the matter ends. I state this from the several cases that came before me in the course of my work. Sometimes these cases are discovered by the village officers. I consider that the *pátils* of villages have better opportunities of discovering forest offences than the forest guards, as the latter have the forests of several villages to watch over while the *pátil's* duties are confined to one village. I am of opinion that the *pátils* do not exert, as much as they might, to discover or prevent forest offences. The *pátils* do not get any special remuneration on account of forest, and that is the reason of their apathy. The beat guards have better opportunities of tracing forest offences than the regular police. There are thirty-four policemen for this *táluka*, while the number of forest guards is about fifty. Detection of offences with regard to teak has become especially difficult in this *táluka* on account of the disposal of all teak in *málki* numbers by Government, and once the wood is brought to the railway station, it is difficult to indentify the wood removed without permission from the Government forest.

Written Questions forwarded to the Ma'mlatda'r of Kalya'n by the Commission and their Answers.

Q. 1.—Did the people as a matter of fact use the *gurcharan* for *shindád* after the Survey?

A.—The people did use the *gurcharan* for grazing and for *shindád* after the Survey.

Q. 2.—Can you produce any record to show that the entry of the *málki* trees in waste lands was authorized?

A.—The entry of *málki* trees in waste land was authorized by the Assistant Collector's vernacular No. 48, dated 19th September 1874, consequent on the Commissioner, N. D.'s *yádi* No. 31 and Collector's No. 65 of 1874.

Q. 3.—In the orders about Kalyán Forest Settlement, Government have not allowed any privileges to the rayats for removal of wood gratis for building purposes. Do you approve of this or have you any suggestions to make?

A.—In the orders about Kalyán Forest Settlement, Government have not allowed any privileges to the rayats for removal of wood gratis for building purposes. On this point I would humbly suggest that the actual cultivators of the land should be allowed timber to repair their houses or to build a new one when one is destroyed by fire or some other cause over which the owner had no control. A register should be kept by the Forest Department of the actual cultivators and any timber given to them should be recorded against their names. Should it be found that the individual to whom wood was supplied gratis has made bad use of the good intention of Government or that he has committed any forest offence, a *shera* should be written against his name and all concessions should be denied to him.

Q. 4.—Do you think under the present arrangements the reasonable expectations of the people as regards free grant of timber are satisfied? Have you any suggestions to make under this head?

A.—Under the present arrangements the reasonable expectations of the people as regards free grant of timber are not satisfied. I consider that the actual cultivators of the soil should be allowed—

A.—Timber for raising their houses and huts.

B.—Timber for agricultural implements.

C.—Timber for wells and other public institutions, such as *dharmsháláš*, *chávdis* and temples.

Q. 5.—Verify the documents produced by witnesses as far as you can?

A.—Documents produced by witnesses as per accompanying vernacular list are verified in my office and herewith sent.

Q. 6.—Can you prepare an estimate based on statistics?

1. Of number of cattle to be provided with free grazing
2. Of quantity of firewood.
3. Of logs for rafters, *halas*, ploughs, &c., recommended to be given by you to forest and non-forest villages.

A. It is a hard task to prepare an accurate estimate based on statistics of things enquired into. Roughly speaking the following is an approximate estimate :—

1. The number of cattle for which free grazing should be left open is 32,000.
2. The quantity of firewood consumed by the cultivators and poorer classes is estimated at 70,000 candies. The estimate is based on the following statistics: The total population of the táluka according to the census of 1881 is 78,000, out of which about 28,000 are engaged in other trades. The cultivating classes and the poorer classes are estimated at 50,000. Each family is taken of five members and for each family seven candies of firewood is considered necessary for a year.
3. The total number of houses in the *táluka* is 16,436, of which about 10,000 belong to agricultural and poor classes. Of this number about $\frac{1}{20}$th will require annual repairs and the timber required would be worth about Rs. 5 for each house; this would make about Rs. 2,500 worth of timber for repairs. There are 8,508 ploughs in the *táluka*. Each plough is supposed to last for two years. The average wood required for a plough is worth Rs. 1-8, and the estimated yearly cost will be about Rs. 6,500.

Witness No. 28—(Kalyán *Táluka.*)

10th February 1886.

Krishnáji Káshináth Ok, a Bráhman, land-holder and money-lender, aged 28, residing at Badlápur, stated in reply to questions

By the Secretary, Thána Forest Association

I hold two villages in *inám* in this *táluka*. Ambesiv is entirely alienated and the other called Mánere is *sharákati*. I have also one *inám* village in Násik named Shilápur. I am an elected member and Vice-President of the Táluka Local Board. I hold also on *suti* tenure 350 acres of rice and 425 acres of *varkas* in this *táluka*. I have to pay Rs. 1,800 to Government as assessment of these lands. I have also about five or six acres of *kharíf* in a village in Karjat *táluka*. My lands are situated in twenty-five villages of Chon and in two of Ambarnáth *mahál* or sub-division of the *táluka*. There are sixty-four villages altogether in the Chon *mahál*. I have dealings in all the villages. About twenty of the villages have no forest lands belonging to them, the rest are forest villages. The forests of Sámbáre Yeva, Kárand, Váshivli, Bhákri, Shirgaon, Bhoj, Chinchavli, Shil, Kánhor and five or six other villages are extensive forests. I hold land in most of these villages. Many non-forest villages of the Chon *mahál* have the *vahivát* to make use of these forests. Some of the non-forest villages of Ambarnáth, Taloje and Páchnand Patti *maháls* also make use of the same. Chon *mahál* contains the principal forests of the *táluka*. The inhabitants of the forest villages do not object to the people of non-forest villages making use of their forests. The distinction now drawn between the two classes of villages is imaginary; it was not observed before even by Government. Order No. 49, dated 30th January 1872, was issued in 1872 to the village officers permitting the villagers to remove fuel either from their own village jungles or from those of other villages. Ambesiv is a forest village. The inhabitants of about four *khálsa* villages resort to it for forest produce. I as *inámdár* never prevented the people from using the forests either before or after the passing of the Forest Act, and I have no wish to do so now. The cattle of surrounding villages also come to graze in Ambesiv. I charge no fee for this. I feel it would be impossible for me to put a stop to this *vahivát* even if I wished. On one occasion when I wanted to cultivate some of the land through which these cattle were accustomed to pass, the *mámlatdár* directed me to keep the path open for cattle and allow the land to lie waste. I have not observed the people of other villages who use the forest of Ambesiv abusing their right. On the contrary, if any new village attempts to make use of the forest, they are the first to give me notice of it. The Ulhás river runs by Badlápur. There are deep pools near Badlápur which contain fish. In the hot weather about 2,000 to 2,500 people from the surrounding villages visit these pools every Tuesday to catch fish. People within the radius of about four miles also come every day to fish. Each village has established for itself an individual *vahivát* for making use of these pools. I actually cultivate five acres of *kharíf* in Kánhor and eight acres in Badlápur. Both these fields have no allotted *varkas* as their appendages. Of the eight acres in Badlápur, four acres were brought after the Survey. No *málki varkas* came with these four acres, as none was allowed to the

former possessor of them. The land at Kánhor has been in my possession from before the Survey. The *shindád* lands belonging to these *kharíf* plots are now included in the *gurcharan*. The people did not know when the *varkas* lands were measured off; they only knew of the *kharíf paháni* or measurement. I gather from old people, such as *pátils*, &c., that they were never asked to point out their *shindád* lands at the Survey. The measurers marked off some *varkas* lands adjoining the *kharíf* cultivation and entered them in the names of occupants according to the information supplied by the *talátis*. I produce a copy of order No. 28, dated 15th September 1859, issued by the Collector of Thána, authorising the use of *ráb* lands (*vide* Exhibit No. 56.) I understand *ráb* lands to mean *shindád* lands. A proclamation (*vide* Exhibit No. 57) was issued in 1847 to the people to the effect that if they planted trees in *gurcharans*, the proprietary right to such trees belonged to them. I understand that the people have the right to lop trees in the *shindád* lands thus planted by them; they have also the rights to the fruit trees therein. In 1877 a dead mango tree in the *gurcharan* of the village of Pádarpáda was allowed to be removed by the person who had planted it. I produce the order in the case (*vide* Exhibit No. 58). It bears date 22nd November 1877. It is customary in this *táluka* to sell *kharíf* lands with their allotted *varkas* plots and the unallotted *shindád* in individual *vahivát*. The *shindád* lands are generally parcelled out among the *kharíf* holders. I do not know of any instances in which unallotted *shindád* has alone been sold; but I would buy it if it were offered and consider my title good. When a part of the *kharíf* holding is sold to another person, the unallotted *shindád* belonging to the holding is not divided, but both the vendor and the vendee continue to use the *shindád* in common. Any disputes arising out of such common *vahivát* are generally settled by the villagers among themselves, but such instances are rare. Most of my lands are sub-let. The number of tenants is about 150. There are many *kharíf* fields without any allotted *varkas*. Out of 350 acres of *kharíf* that I hold, about forty acres have no allotted *varkas* land attached to them. The *ráb* for these lands is supplied from the *shindád*. The allotted *varkas* lands in forest villages contain some trees and afford the necessary *táhál*, but in other places they only yield grass. Some few villages have sufficient *ráb* material on the allotted *varkas* lands. For instance, in the village of Ságaon there are altogether ninty-seven acres of *kharíf* and 350 acres of allotted *varkas*. One number of forty-eight acres is set apart for *gurcharan* and the protection of teak. The *ráb* available from the allotted *varkas*, together with what is occasionally got from the *gurcharan* to supply the deficiency if there be any, suffices for the *kharíf* cultivation of the village. Even in the case of this *gurcharan*, the *vahivát* for *ráb* is individual. Revenue Survey No. 14 of Ságaon is set apart for *gurcharan* with the endorsement—*ságáche rakshan karun gure mophat chárávi*. There are *injáili* trees besides teak in that number. We petitioned jointly to Mr. Atkins to say that we all had a *vahivát*. I am not sure whether we wrote in the petition that we had individual *vahivát*, but we verbally informed him to that effect. We had no evidence except our own statement and the *shera* in the *sud* above referred to, which we understood to give us right to everything except the teak in the way of *ráb*, but not as giving us right to cultivate, as that would be inconsistent with the right of free grazing. I do not understand the *shera* to authorize us to dispose of the *injáili* trees by sale, but we may use them for domestic and agricultural purposes. There is no other *gurcharan* land for the village. The number of houses in Ságaon is twenty. The number of cattle is about 350. The village cattle will not have sufficient grazing ground if the *gurcharan* numbers were to be closed. The Settlement Officer gave us to understand that mere *vahivát* was not sufficient to establish the people's right. He asked us to produce title deeds if we had any. I produce a final order (*vide* Exhibit No. 59) given by the Settlement Officer in the matter of certain rights set up by the villagers of Sonávli.

11th February 1886.

In the village of Kánhor four survey numbers measuring 876 acres were set apart for free grazing. Two of the numbers measuring 842 acres have now been declared Reserved forest. The number of cattle in the village is about 500. Some years after the Survey, No. 191 measuring 313 acres was endorsed as Government forest; the grazing of this number has been put up to auction ever since. At the time of the Survey two Nos., 190 and 191, were endorsed for grazing and forest. The entry was—"*ságáche rakshan karun gure mophat chárávi*. Prior to the first demarcation, the whole of this area was available for free grazing. Since Survey No. 191 was entered as Government forest, the people were deprived of their right of grazing their cattle in it free. Similarly we apprehend now that if both the numbers are declared Reserved forest, our cattle would be shut out from them. The same thing has happened in Badlápur and other villages. If the provisions of the recent Resolution about grazing were carried out and adhered to always, there would not be any difficulty about grazing. The cattle of Jámbhle, Badlápur, Sávre and Mulgaon go to the pasture ground of Kanhor for grazing. The grazing of Survey No. 191 in Kánhor was bought for six or seven years by traders, latterly my agent buys it year after year. Last year the grazing of the whole *táluka* was sold in one lot and was bought by another man on my behalf. When the grazing of Chon *mahál* was bought by traders, they generally secured the annual monopoly for less than Rs. 100 and made Rs. 500 or Rs. 600 by levying fees at the rate of four annas for each head of cattle allowed to graze. Whenever I buy the grazing I distribute the amount payable to Government over the villages according to the area of grazing in each village and allow the village cattle to graze

without restriction. I recover the amount from the several villagers at the harvest time as they can most conveniently pay the amount at that time. I can show from my accounts the amounts charged to each village and the amount paid by me to Government. In 1883-84, I bought the grazing in fifteen villages of Chon *mahál*. The total grass area was 7,409 acres and I had to pay Rs. 105 to Government for the monopoly, or in other words Re. 1 for seventy acres. In 1884-85 a trader of Thána purchased the monopoly and levied exorbitant rates from the villagers and collected about Rs. 800. He must have made Rs. 500 out of it. The monopoly was for cutting away the grass, but he sold the grazing of it to the villagers and recovered his fees. The forest officials prevented the people from letting the cattle to graze and thus the latter were put to inconvenience. In 1885-86 I bought the grazing of Chon *mahál* for Rs. 275 from the trader who had bought the grazing of the whole *táluka* and I have distributed the sum rateably among all the villages. I induced the current year's farmer to secure the grazing of the *táluka* in order that I might obtain from him the grazing of Chon *mahál* on reasonable terms. If half the area were closed for grazing the remainder would not suffice, because the people take cattle from other places for grazing in the monsoon. Thousands of such cattle are received by the villagers every year from Bombay and other places. I am of opinion that a small fee of not more than two annas for the season might be charged for cattle thus received from outside. The villagers would be benefitted as they would get some work and make a little money by it. The dung dropped by cattle in the rains is nearly all lost. There are Dhangar Gavlis in three of the villages of Chon *mahál*, namely, Bhoj, Bedshil, and Chinchavli. The number of cattle kept by them is 400 at the outside. They live in forest and graze their cattle in it. Sometimes they graze in the village *gurcharans* and the people never object to it. They are useful to the village communities and therefore I am of opinion that they should not be charged any fees. The free grazing numbers which have been endorsed as pure *gurcharan* are generally bare of grass. In the village of Posri some of the *gurcharan* lands are inaccessible in the monsoon on account of their being surrounded by *kharíf* cultivation. I have some fruit trees in the *gurcharan* of Badlápur. For two or three years the *taláti* prevented me from removing the fruit of those trees, the objection however has since been removed by an order issued on the authority of Government Resolution No. 9166, dated 19th November 1884. Village Register No. 1 formerly contained *sherás* showing our proprietary right to these trees; they have since been erased. I produce a civil court receipt dated 24th February 1842, showing that my grandfather bought in the auction held by the court certain mango and other trees standing on the *pál* or dam of the village tank. This site is now part of the *gurcharan*. In the village of Devloli my grandfather bought mango trees from a private individual about forty-two years ago; the ground on which these trees stand is now part of the *gurcharan*. I produce the title deed. I own such trees in many other villages. I have title deeds in my possession for them. In the village of Devloli there are twenty-eight acres of *gurcharan*, of which two or three *pánds* are occupied by a temple and about four acres occupied by ten or twelve huts of Káthodis and the ground is rocky, so the people have to take their cattle (102) to Kánhor; they graze in their *varkas* lands after the grass has been removed for *rább*, that is, from March to May. In 1881-82 one Moro Náráyan Gokhle cut seven fruit trees from a number set apart for the use of the villagers of Kalyán belonging to him. The wood was attached and sold by Government for Rs. 8. I am not aware of any instances in which Government cut and disposed of such trees. I planted about twenty trees in the *gurcharan* of Badlápur ten or twelve years ago. I have not planted any since the erasure of the *sherás*. I believe that I have right to any trees planted in Government land independently of the proclamation of 1847. I should not consider I would have the same rights if I planted them on my neighbour's land. In 1880, thirty-three persons cut down forty-six fruit trees belonging to them from the *gurcharan* of Mánere, which is a *sharákati* village. They were prosecuted and fined nearly Rs. 100 in the aggregate and the wood was sold by auction for Rs. 15 and the amount was credited to Government. I claimed half of this amount as a sharer of the village revenues but have not succeeded yet in getting it. There are many other cases of this nature in the *táluka*.

12th February 1886.

Of the wild tribes Káthodis live in Badlápur and Kánhor; they do not hold lands; nor do they cultivate. There are fifty Káthodis' houses at Kánhor and about twenty-five at Badlápur, which is about one mile and a half from the former place. Káthodis get employment in fields for about ten weeks in the year. The wages paid to Káthodis are two annas and a meal per day. When a job is finished, the Káthodis have to be supplied with liquor in addition. At other times these people fetch forest produce and take it to Badlápur, Kulgaon, and Kalyán for sale. When wood-felling is done departmentally the Káthodis are not generally employed as they do not get wages in advance which they always demand. They are sometimes employed by the contractors, when they are paid about three annas a day. They find such work for about a month at the most in a year. When we have to employ Kátkaris we pay them two or three days' wages in advance; they have to be lent for every day. When Káthodis do not find any work, they come to us to receive petty advances for which they generally supply us with teak rafters, medicinal herbs or other forest produce at a very cheap rate. Much wood is exported to Bombay from the Badlápur station. Káthodis do not supply the dealers with wood. They earn from one to one anna and a half per

day by selling firewood. The wood that is exported ostensibly comes from the *málki* numbers, but most of it is from Government forests. Last year extensive cuttings from Government land were effected by the traders of Badlápur under the plea of clearing the *málki* numbers at Chon, Páchon and thirteen other villages. The cutting went on for about nine months—September to May—at Chon and in other villages from the *Holi* to the rains. One Bálkrishna Rámráv Sule and the *kulkarni* of Badlápur brought these thefts to the notice of the District Forest Officer towards the end of May, when an enquiry was held thereon by the Forest Department. The *taláti* of Kánhor had made a report in the month of April about a similar clandestine cutting in his village, but apparently no steps were taken on this report. No one's name except that of the Gujar of Ambesiv, Vithal Jamnádás, came to light in the course of the inquiry. Vithal was prosecuted but discharged. Besides the inspector and guards, the District Forest Officer and the Sub-Assistant Conservator had visited the Chon *mahál* when this cutting was going on. The Sub-Assistant had halted at Chon itself. Nur Mahamed and Mulna Hussen valad Mulna Ismail are residents of Badlápur. They deal in timber and firewood. Nur Mahomed has established himself quite close to the station. The system of allowing contractors to fell trees in the jungles is not a good one. The system has never been tried in my *muhál* as far as my memory goes. I have never cut trees from my *málki* numbers for sale but others do extensively. I bought one *varkas* field measuring about fifty-six acres with the trees growing thereon; there was no *kharíf* attached to it. The transfer to the rayats of the proprietary right to trees in *málki* numbers has not proved beneficial to agricultural interests. The people have cut down all trees and the supply of *táhál* has been reduced in consequence. I think Government ought to put certain restrictions on the sale or other disposal of trees, cutting being freely allowed for domestic and agricultural wants only. Except the traders, who own lands, other cultivating classes will, I think, agree to the imposition of some such restriction. The teak in all my holdings has been parted with by Government except in one case, namely, my field in the village of Shil. The teak in this latter field has not been purchased by me. Most of the teak in *málki* numbers was bought by traders, who cut the trees and exported the wood. The rayats were not benefitted by the disposal of the trees in the first instance. The revenue of Ambesiv is about Rs. 1,700. There are one hundred tenants in all. The assessment is levied on the *kharíf* cultivation only; it includes the tax on *varkas* cultivation. Nothing is charged for the user of *shindád*. The people are allowed free to remove from the village forest what they require in the shape of firewood and wood for building and agricultural purposes. No permission is necessary to remove such wood. I have not noticed them abusing the privilege; they give me notice if any outsiders injured the forest. Up till last year I had no special watchman employed to guard the forest, but since the wholesale forest robberies of last year I have had to employ a watchman. The cultivators of Ambesiv have not to go to other villages for *táhál* or any other forest produce. Last year I sold the teak in the village for Rs. 350. I allowed the teak to be cut as it was of stunted growth. I expect that the new shoots will come up straight. I disposed of the teak two years ago. I had to give notice of the cutting to Government as I have to pay ⅛th *judi* on the value thereof. Last year one of the compartments of about fifty acres was cut by the Ferest Department out of the block of Kátrap and Shirgaon forest and the people were offered the *táhál* free but they did not avail of it, as they thought they would thereby be deprived of their *shindád* user. All *injáili* trees in the compartment were cut but the *táhál* supply, even if it had been removed by the people, would not have sufficed for the wants of the two villages. The villagers cut the *táhál* as usual; an inquiry was held but nothing was ultimately levied for the loppings. Fees were charged at Dánbáv and some other villages for loppings removed. There was a block made for Sárli next to Shirgaon, but I did not understand at the time that any of the villagers of Shirgaon were to use that block. The compartment that was cut with a view to supply the *táhál* for Kátrap and Shirgaon would not have sufficed even for Kátrap villagers. I have never visited the Kátrap jungle. I have seen it from a distance; it contains teak and other trees. The restrictions against removal of forest produce have been in force for some years past, but the people have continued to obtain the supply from the forests in the same way as before. I hear from my tenants that the people have to fee the guards now and then if they meet them when removing any jungle produce; they also pay small sums regularly twice a year. Each village has a common fund raised to meet common expenses and the guards are paid out of this.

By the Commission,

The village of Ambesiv is unsurveyed. Its forest area is about seven or eight hundred acres. The forest has not diminshed by the free use made of it by the people. The rayats cut even teak for building but with the permission of my manager. They may cut any other wood without permission for their own use but not for sale. The *varkas* has not been allotted in the accounts but the people have individual *vahivát*. The whole of the waste area is open for free grazing. As *inámdár* the proprietary right to the teak belongs to me, the other trees belong to the people who have the *vahivát*, but there is nothing to prevent my cutting for sale any trees that I like. I would not allow my tenants to cut trees for sale from the *shindád* lands. The information I have given about the cutting in Chon *mahál* was gathered by me from hearsay report. I had not heard of the cutting before the inquiry actually commenced. In June last I saw some teak lying near the *pátil's* house. The *pátil* said it was attached. I do not know anything further about it.

WITNESS No. 29—(KALYÁN *Táluka*).

12th February 1886.

RA'GHO PA'TIL BIN BEND PA'TIL, a Marátha, cultivator, aged 60, residing at Dánbáv, stated in reply to questions

By the Secretary, Thána Forest Association,

I am a *vatandár pátil* of Dánbáv. My son is in office now. I hold about twenty-seven acres of *kharíf* and eighty-three acres of *varkas*. I have to pay Rs. 130 as assessment. Dánbav is a forest village. Palsoli which adjoins it is also a forest village. The inhabitants of ten or twelve non-forest villages resort to the forest of my village. We do not object to their making use of our jungle. The cattle of some four villages are in the habit of coming to our village to graze. My *málki várkas* has a little tree growth on it, but it does not afford sufficient supply of *táhál*. There are some teak trees on my *málki varkas*. I have bought the trees. I supplement my *táhál* supply by taking loppings from the portion of the *gurcharan* in my individual *vahivát*. Other cultivators have also separate *shindád* pieces; they were allotted in our forefathers' time. The *gurcharan* No. 29 measures 442 acres; of this a part has been reserved for forest from Dr. Gibson's time. It is not used by the people. Our *shindád* has latterly been included in the forest and we have been prevented from taking loppings from it for the last two or three years. We, however, continue to use the same notwithstanding the restriction. There is another number set apart as *gurcharan*. It measures six acres. It is used for the village cattle to stand upon. The forest guards object to our using the *shindád*, but we disregard their protest. Last year the loppings removed by us were attached and fees levied thereon. The loppings were stacked in the jungle where they were burnt by forest fire. As we could not get the *táhál*, our fields partially lay waste last year. We still remove wood for agricultural implements with the connivance of the forest guards. We have to pay them Rs. 4 every year by subscribing among ourselves. Last year my nephew, Bhurya Pátil, paid the money on behalf of the villagers to the guard who has since been transferred. I have never sold the trees in my *málki* numbers. I cut them for my own use. I have been in possession of my *varkas* from before the time of the survey. I bought the teak under Ellis' rules on my own account. None of the holders of *málki varkas* in my village have cut and sold their teak to traders. Khadavli is the nearest station to my village; it is about three miles. Thákurs take head-loads to Titvála and Padghe for sale to the local inhabitants; they do not sell them to traders. They make about one to one anna and a half per day. There are some *málki* trees in the *gurcharan*, but the forest officials do not allow us to make free use of them latterly. In the village of Nándgaon, one Máv bin Bál Pátil was fined Rs. 30 for having cut a mango tree which he himself had planted in the *gurcharan* of the village. I have been preserving the trees in my *varkas*. I have advised the others to do the same; they are also preserving the tree growth on their lands. We prune our teak; it improves the tree. The branches so cut are useful for *táhál*, fuel, &c. The teak in *gurcharan* is not pruned, consequently it has not come up well. We have always watched our forests. Since last year Government has issued stringent instructions on the subject, and the *pátils* visit the jungles more frequently. The forest guards seldom visit the forests they are set to watch over; they only worry us. If the guards were removed, the *pátils* would be able to take care of the forests of their villages; in fact they have been doing so all along. In the forest of Dánbáv, the only kind of timber is teak; I would protect teak for Government, but the people must be allowed the use of the forest for their wants. I cannot afford to be at war with the whole village. I would not allow the people to sell any thing from the forest nor would I allow them *imárti injáili* trees. The whole of the *gurcharan* No. 29 is now included in Government forest; if half of this number were set free for village use, it would not be sufficient for the wants of the village.

By the Commission,

There are about eight hundred head of cattle in the village. All the droppings except those in the monsoon are secured for *ráb* and other uses.

WITNESS No. 30—(KALYÁN *Táluka*).

13th February 1886.

RÁM PÁTIL BIN PAD PÁTIL, an Agri, cultivator, aged 50, residing at Kátrap, stated in reply to questions

By the Secretary, Thána Forest Association,

I am a sharer in the *pátilki vatan* of Kátrap. My son is now in office. I hold twenty acres of *kharíf* and about forty acres of *varkas*. There are some shrubs and *mowra* and teak trees in my *varkas* fields. I have bought the teak in my numbers for Rs. 26. I cleared the teak once sixteen years ago. I used the timber for my house. I cut about 300 trees. I had to buy wood also from other people. I allow the village people to cut wood from my

varkas for their own use. They sometimes pay me a small price for the wood they remove, at other times I give them free. I do not get sufficient *táhál* from my *varkas*. I get grass only. Up till last year I got my *táhál* supply from the Survey No. 90 which is now included in forest. I did not get my *táhál* last year from the forest number, because the *pátilki* office is in my family and I did not like to run the risk of losing it by breaking the order of Government; but I had to allow three acres of my *kharíf* to lie waste in consequence. I burnt *rább* beds with what grass could be had from my *varkas*, but the seedlings were very poor. In one acre I had sown paddy without preparing the *rább*, but the outturn was very indifferent. The average yield of my land is twenty candies, but this year I could get only ten candies out of it. Last year all the trees in a compartment from the Reserved forest of Kátrap and Shirgaon were felled by the Forest Department and we were told to remove the loppings. There were not more than about 2,000 trees in all. Out of this seventy-five to hundred were *ain, bonda, dhávda* and *nána*, which were principally useful for *táhál*. From this cutting not more than hundred head-loads of *táhál* was available. This supply was quite insufficient even for the cultivation of my *kharíf* land. I have forty acres of *shindád* in Survey No. 90. From this I cannot get annually 400 head-loads of loppings. About 2,000 to 2,500 head-loads of loppings are obtained annually from the whole of the *gurcharan*. If a tree is cut down, the *táhál* to be got from it would only be half the quantity that would be got by lopping it in the usual way while standing, because the leaves and branches cut, are crushed and spoiled by the tree falling. No one availed of the loppings from the felled compartment; all the villagers cut from the *gurcharan* as usual except me. No one would have removed loppings from the compartment even if the material supplied was sufficient, as the rayats considered this would destroy their *vahivát* in the *shindád*. I left my three acres fallow rather than take the hundred bundles available because I would thereby give offence to those from whose *vahivát* lands some of the trees were cut. Last year the villagers of Shirgaon cut 400 head-loads of *táhál* from the Government forest to cover their hay stacks with. Abdul Kádir the round guard reported to his superiors that the villagers had done this notwithstanding his protest and he apprehended some disturbance to the public peace. Upon this, the *mámlatdár* and the chief constable visited the place and made inquiries. The villagers informed the *mámlatdár* that they must have access to the jungle for *táhál*, otherwise their avocation would not go on, but in order to escape punishment, they said they had cut in the Government jungle out of mistake. As far as I am aware Government did not take any further steps in the matter. This year the villagers have again cut and removed *táhál* loppings from the Government forests everywhere and they would continue to do so, trusting to the Government for protection as to their parents. When the Settlement Officer visited our village, we told him that there was not sufficient *gurcharan* for the requirements of the village and we protested against any of the land being included in the Reserved forest, but we were told it was the wish of Government and there was no help for it. In 1881 my house was burnt accidentally by fire. I then applied for free grant of wood, the *Pránt* Officer supported my request, but the matter was referred to the Forest Department and I did not succeed in getting any wood. In 1882 I built three or four small huts, when the forest officials charged me with having used stolen wood from the forest; they still continue to worry me about it. Some non-forest villagers visit the forest of my village and other neighbouring forests for wood for agricultural implements. The forest guards occasionally levy fees from people when they catch them removing wood, but there is no general subscription.

By the Commission,

I keep about twenty-five head of cattle for my *kharíf* and *varkas* cultivation. I want thirty-five seed-beds. Of these ten are usually *rábed* with grass alone, ten with *táhál* and grass, five with cow-dung and grass, five with *mowra* leaves and grass, and five with stable litter and chaff. Generally I sow one acre with *ute* rice. For each *táhál* bed thirty *bailás* or head-loads of dry *táhál* are required. The size of the seed-beds varies from two to six *orkás*, the size of each *orka* being 11 × 44 feet. The average size is about three *orkás* and a half. I get enough *táhál* for one seed-bed from my occupied *varkas*. I fetch the rest of the *táhál* and *mowra* leaves from the *shindád*. The droppings of cattle during the monsoon are all wasted. The dung collected in the other months is used for *rább*.

Witness No. 31—(Kalyán *Táluka*).

13th February 1886.

Govind Pa'til bin Sankru Pa'til, an Agri, cultivator, aged 35, residing at Khune Vadavli, stated in his examination

By the Commission,

I hold thirty-five acres of *kharíf* and sixteen acres of *varkas*. From three-fourths to one maund of seed is required to every acre of *kharíf* according to the quality of the soil. I have to prepare seedlings of twenty-five maunds every year. I sow three maunds by *ute*. I keep forty head of cattle. We collect cow-dung all the year round and utilize it for *rább* beds. I collect enough cow-dung to burn seed-beds of twelve maunds; of this two-thirds are collected

from my own cattle. I get sufficient grass from my *varkas* to burn seed beds of seven maunds, and stable refuse and chaff are used for the remainder. I use *kuta* manure for *ute*. The return is from seventeen to twenty-five *mudás* with a medium of twenty. Two years ago the outturn was twenty-five, last year eighteen, and this year eleven owing to some of the land remaining uncultivated. A *muda* is thirty-four maunds; twenty maunds go to a candy. For the last fifteen years we have ceased to bring firewood by carts owing to forest restrictions, and consequently we have been burning cow-dung for household purposes. For the last ten or twelve years about six acres of *kharíf* has remained waste as the quantity of material for *ráb* has become less. This year the crops were injured by want of timely rain. Fourteen year ago we brought *táhál* on carts from the jungles of Borivli and Kushivli; but we have been prevented from bringing it now free. The *táhál* and cow-dung *rábs* are about the same in value. In the monsoon we collect the droppings of cattle in the cattle-shed only. We purchase *kuta* at the rate of Rs. 2 per candy of eight maunds.

Witness No. 32—(Sálsette *Táluka*).

5th February 1886.

Dharma Kamala Bhoir, a Son Koli, cultivator and trader in grass, aged 50, residing at Bhándup stated in his examination

By the Commission,

The petition shown me marked (Thána No. 286) is mine. I am a *sutidár* in Haryáli. In that village, which is a *khoti* village held in lease by Hormusji Káma, from time immemorial, there were *varkas* lands attached to *kharíf* lands. There was a small jungle to which all the cultivators resorted in common for firewood, agricultural wood, and *táhál*, and for grazing. Here and there where cattle did not graze, people cut the grass. They did not sell the cut grass. The *khot* got the Survey introduced in 1874 and 1875. In this Survey the *varkas* lands were assessed at Rs. 2 an acre. This assessment should be reduced and nothing should be charged for the *varkas* lands. The village for the last fifteen years has had no resident population. The *khot* has got all unoccupied lands entered in his name at the Survey and the grass grown in such lands is yearly sold to contractors by the *khot*. So our cattle have no longer any place to graze. The cultivators of Haryáli reside close by in Virkholi in the Pavai estate. As they cultivate in Haryáli they want grazing ground there. Our cattle are not prevented from grazing in Virkholi *gurcharan* land. I hold twenty-five or twenty-six acres of *kharíf* and about thirty acres of *varkas*. The *varkas* produces nothing but grass. There are trees on it. I do not cultivate it. There are mango, tamarind, banyan, and wild fig trees and *karand* bushes. I use part of the grass for *ráb* and keep part for my cattle, and the rest I send to Bombay for sale. I send about 100,000 bundles to Bombay. I keep ten to twenty thousand bundles for *ráb* and cattle. Grass cutting costs Rs. 2-4-0 per 1,000 sheaves. It costs four annas a thousand for stacking, fencing, watching, &c. Carriage to Bombay costs Rs. 4 and tolls four annas. The journey by cart is eighteen miles. The total cost of laying down 1,000 sheaves of grass in Bombay is therefore Rs. 6-12-0. Besides at Bombay for every thousand I have to pay 8 annas and give 10 bundles as broker's fees and 30 bundles as ground rent. If the grass is taken inside the town to Banya's market a further tax of ten bundles per thousand is levied for charity. What we call 1,000 bundles is always really 1,050 bundles. Thus the cost of laying down 1,000 bundles in Bombay is Rs. 7-4-0 plus fifty bundles. The present price of grass in Bombay is from Rs. 7-8-0 to Rs. 8-8-0 per 1,000 bundles. I got from 1 to 2 Rs. profit per 1,000 bundles last year.

Witness No. 33—(Sálsette *Táluka*).

15th February 1886.

Govind Ján Pátil, an Agri, cultivator, aged 45, residing at Kolshet, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold thirteen acres of *kharíf* and nine acres of *varkas* assessed at Rs. 70. I am a sharer in the *pátilki vatan*, but do not serve in person. I cultivate my land myself. Kolshet is a non-forest village. There are some mangoes, and *karanj* and other *táhál*-giving trees in my *málki varkas*. The fruit trees however preponderate. I do not get sufficient quantity of *táhál* from the *varkas*, so I supplement it by loppings from the *gurcharans* of Májivde, Kávesar, and Yeur, besides that of Kolshet. One-third of the *kharíf* is salt batty land. The *inámdár* of Oyale does not allow us to remove *táhál* from his forest. The *gurcharan* of Kolshet measures 141 acres. The total *kharíf* area of Kolshet is 537 acres and the total *varkas* is 427. There was a *kháján* land in the village measuring ninty-one acres; it was used by the villagers for grazing and *táhál* of *tivar* and *kandal*. These shrubs are more useful for *ráb* than the loppings of other trees as they burn slowly. The *kháján* above re-

ferred to was leased for cultivation seven or eight years ago. It was not endorsed as for free grazing at the time of the Survey. About 225 acres of the *kharíf* is salt land. The *táhál* obtainable from the *málki varkas* is insufficient for the *kharíf* cultivation of the village. A greater portion of the *gurcharan* is now included in the Reserved forest and the rest is made Protected forest. There is no individual *vahivát* in the *gurcharan*, the villagers use it in common for *shindád*. We have been using the ground as *shindád* from before the time of the Survey. *Kharíf* was measured at the Survey according to *vahivát* and only a nominal list was drawn up of the grass lands. At the time of the settlement we were told verbally that we were to make use of the *gurcharan* for *táhál* and grazing. We objected to the *gurcharan* being included in forests and asserted our rights in it, but the petitition was rejected by the Forest Settlement Officer as regards our rights and explained what privileges we were to enjoy under the orders of Government. We next appealed to the Collector, but he threw it out. I produce both the orders in original (read and returned). Kávesar has been treated similarly by the Forest Settlement Officer. The number of cattle in Kolshet is about 500. The *gurcharan* assigned at the Survey is not sufficient for the village cattle, so they go to graze to the other neighbouring villages mentioned above. The closed portion of the Reserved forest in Kolshet (25 acres) was sold for grazing last year. So were the portions of the Reserved forest of other forest villages. The villagers of the neighbouring villages to which we resort for grazing and *táhál* do not take objection to our doing so. The usufruct of the fruit trees in the *gurcharan* has been sold by auction ten or twelve years since. Salt lands are sown with rice broad cast; no seedlings are prepared. The sweet lands require *rán*. The yield of salt land is much less than the sweet land probably in the proportion of five to three. The rice produced in the salt land is also inferior and fetches much less price in the market. If a *muda* of sweet rice fetches Rs. 25 the salt rice will probably sell at Rs. 15 a *muda*. The cultivation of sweet land is more profitable than that of the salt land; the expenses of cultivation are about the same in either kind of rice lands. We bring our fuel and wood for agricultural implements from the jungles of the three villages mentioned above besides our own *gurcharan*. The forest officials object to our removing these things but we disregard their orders. If ever caught we come to an understanding with them by paying them two to four annas if we can. We are not allowed to go to the *inám* village of Mánpáda for *táhál*, &c. When people do not pay the guards any money, they take them to the *mámlatdár* for breach of rules. I know of a few cases in which people were punished criminally for removal of wood from Government forests.

By the Commission,

We chiefly obtain loppings from *ukshi, kusari* and *dháyti*. *Karand* is resorted to if the other thornless varieties are not to be had. We have never been prevented from using these loppings. *Ain* and teak trees are not to be found in our forest. *Nána* and *dhávda* are found here and there. *Bonda* is not found. *Khair* and *bibla* are found in abundance but are seldom lopped for *táhál*. As a rule shrubs are cut and not the branches of big trees. What I ask for is that we may be allowed to take from the forest of the three neighbouring villages the same kinds of loppings as we are now allowed to do from our own *gurcharan*. We use all the cow-dung we can collect for *rán*. We use the cow-dung collected towards end of the hot weather for fuel. The droppings collected in the monsoon are used as pit manure. I heard that the grazing in the Reserved forest was sold to a Pársi of Bombay, but our cattle were not prevented from being grazed in the closed portion.

WITNESS NO. 34—(SA'LSETTE *Táluka*).

15th February 1886.

SOMA BIN GOMA PA'TIL, a Son Koli, cultivator, aged 52, residing at Airavli stated in reply to questions

By the Secretary, Thána Forest Association,

I am a sharer in the *pátilki vatan* of Airavli. I hold five acres of *kharíf* and two acres and a half of *varkás* assessed at Rs. 25. Of the *kharif*, four acres are sweet and one acre salt rice land. There are some ten trees, mango and *karanj*, in my *varkas*. I get no *táhál* from them, so I bring it from the jungle of Ilthan, which is about half a mile from our village. There is no *gurcharan* land for Airavli. There is some *kháján* land, in which buffaloes go to graze. Our village cattle go to Ilthan to graze. In 1879-80 the whole grazing in Ilthan was sold by auction by the Forest Department. I and other villagers applied that the auction might be cancelled but our application was not then granted. But in 1882, the District Forest Officer informed us that the farmer was to allow the village cattle to graze and only remove the surplus grass. In the forest settlement of the *táluka* that was effected lately, the right of our village cattle to graze has been admitted. We get some *táhál* of *tivar*, and *kandal* from the *kháján* land. We exercise individual *vahivát* in it. We supplement our *rán* supply by obtaining loppings from the Ilthan jungle; we also bring our fuel and wood for agricultural purposes from the same forest. We get our *kárvi* and bamboo sticks from Sasunavghar, Káman and Nágle in the Bassein *táluka*. They are twenty to twenty-five miles distant from our village. The principal loppings are obtained from *uksih*

dháyti, kusari, dháman and *umbar*, but we lop everything that is availabe except *khair*, teak, and blackwood. There is no *ain* in our jungle. *Bonda, nána* and *dhárda* are also rare. I have never seen any *ain* in the Ilthan jungle, though there are some in *málki* numbers. We do not lop *ain*, because we preserve the trees in order to take away bark for dying nets. There are teak trees in the occupied lands of my village. They have been sold to the occupants by Government. Some few people have cut the trees and used them for their house-building.

16th February 1886.

We never sell any wood to traders. Latterly we have been planting trees in our *varkas*. I have planted about twenty trees of sorts; they have come up well. Government has closed the Government forest against us, so we are having more trees in our own lands so that they may be useful for our domestic wants. Several persons have their *málki* trees in the *gurcharan* of Ilthan. They have been planted by the people themselves; two or three years ago the forest guard prevented us from removing the fruit thereof. He still prevents us from taking it. We have not made any application on the subject. The inhabitants of other villages have also taken to planting new trees. Within the last four years several people have been punished for removing fuel and agricultural wood from the Government forest. Notwithstanding these restrictions we manage to get our supply from the forests by eluding the sight of the guards. If caught red handed, the people have to pay him something; otherwise he takes them before the higher authorities for being punished. For the last three years we have been paying the guard by raising subscriptions among the villagers. I pay six annas a year in three instalments. I do not know what is the total amount subscribed. The *pátil* may know it. The first instalment is in January when we have to cut *táhál* and collect fuel. The second instalment is in June when we have to bring wood for agricultural purposes; the third instalment comes about the time of *Shrávan* (August) when we have to collect fuel again. I do not know what is the exact amount that is paid each time. The *pátil* makes the payment. I have noticed him giving the money to the guard several times during the last three years. About twenty days ago I paid three annas on account of this year.

By the Commission,

We did not pay any regular subscription before the last three years. The guard objects to my removing the fruit notwithstanding the subscription. When I asked the guard he said that the subscription was for fuel and *táhál* and not for fruit. The guard asked something for fruit, but I said I had petitioned the Settlement Officer about it and was not going to pay. I am not afraid of the guard as regards mango fruit, because I am sure the Collector will do justice to me. As regards the other forest produce we are in the hands of another department altogether. There are some assessed unoccupied lands, the grazing of which is yearly sold by auction. As the grazing allowed for the village cattle is insufficient, I beg that the grazing in the *ákári* numbers may be allowed free.

WITNESS NO. 35—(SA'LSETTE *Táluka*).

16th February 1886.

KA'SHINATH VISHNU PHADKE, a Bráhman, cultivator and money-lender, aged 50, residing at Thána, stated in reply to questions

By the Secretary, Thána Forest Association,

I am an elected member of the Sálsette Táluka Local Board. I hold *suti* land in Navpáda. It measures twelve acres of *kharíf* and six acres of *varkas*. None of this is salt land. There are a few old trees in my *varkas*. I have planted 500 new trees of sorts during the last four years. There were three or four saplings of teak, but I destroyed them as the proprietary right to such trees belonged to Government, and they would, when grown, crowd up my land. The saplings were not offshoots of old stumps, but were probably sown by me when sowing other seeds. The old trees afford loppings enough to burn seed-beds for one maund of seed. I have to prepare seed-beds to hold sixteen maunds of seed. The cow-dung collected from my own cattle affords *ráb* material for three maunds and the dung collected from the cattle and cart-stand in my field is sufficient for eight maunds of *ráb* beds, and I obtain bushes and other creepers from the grass lands of other people to burn the remainder of the seed-beds. I have spent about Rs. 450 in digging a well and building a cattle-shed, and I keep a servant in charge of the cart-stand for eight months which costs me from Rs. 40 to 45. I charge nothing for the carts. I used *kuta* one year, but gave it up latterly as

I believe *kuta* deteriorates the soil. The villagers of Khairane Patti and Kolshet, &c., take care of the trees on their *málki varkás*, but all the lands to the west of Thána and near to Bombay have been completely denuded of forest and they are all converted into grass lands. Many *kharíf* lands have also been turned into *kurans*. The principal Government forests of the Sálsette *táluka* are situated in the villages of Káshi, Mire, Ghodbandar and Yeur. About twenty-five villages of Sálsette and some villages of Bassein on the other side of the creek depend upon the forest of Káshi and Mire for their wants. There are some forest lands situated in *ináms* villages; the inhabitants of *khálsa* villages in the neighbourhood formerly resorted to them, but the *inámdárs* now prevent them from making use of their forests, on the plea that they are following the example of Government in the matter. Twenty-six years ago I travelled from Poona to Thána by Borghát. Comparing the state I found the forests then in, to their present state, I am of opinion that the forests are much poorer, that is to say, there are not so many large-sized trees as were to be seen before. I was employed as a measurer about the same time at Utan and Gorái and I can say the same thing of that range of forests which runs from Ghodbandar to Kurla. I think the chief reason of this deterioration is the restrictions imposed by Government. This causes waste; a man to get a plough goes and clandestinely cuts a whole tree, takes the part for the plough and leaves the rest which simply goes as *kolpát*, whereas formerly the whole tree would have been utilised as far as possible and would have supplied other agricultural wants. Strict conservancy has demoralised the people and they do not think it worth while to protect saplings as they used to do. Another reason is that Government tries to make money out of the forests by cutting wood. Cutting and collecting wood on share system is also productive of much destruction. I produce a deed of sale of 1859 which mentions the transfer of certain *málki* trees in a place known Bábhul Ádi which is now Government *kuran* No. 70 of Ilthan under the Survey. I also produce two decrees of civil courts passed in 1842-43 on a claim brought by one private individual against another for the right of taking loppings of *tivar* or mangrove from the *khájan* or marsh land of Malavdi-Kopri. The inclusion of the *gurcharan* lands in the Reserved forest has resulted in the people being obstructed in the use of the *gurcharan*. There may be nothing in the Government orders regarding the settlement against the use of such lands for grazing, but the forest guards raise objections. If the people were guaranteed the full and unreserved right to all the trees growing on their lands they would be encouraged to plant more trees. Government might restrict the sale of trees in *málki* lands when they are not sufficient for the wants of the occupants themselves. No fee should be charged for permission to sell such trees. The cultivators will agree to such restrictions but holders of extensive *varkas* will perhaps object to them. I have heard from reliable sources that the people have to bribe the watchmen of forests in order to get their wants satisfied.

Witness No. 36—(Sa'lsette *Táluka*).

17th February 1886.

Written Questions forwarded to Ra'v Sa'heb Vishnu Ramchandra, Ma'mlatda'r of Sálsette, by the Commission with their Answers.

Q. 1.—When was the Revenue Settlement introduced in your taluka?

A.—In the island of Sálsette, comprizing fifty-three villages, the settlement was introduced in 1860-61 A.D. In the Khairne *Patti* of thirty-three villages, which formed a portion of the old Taloje *táluka*, it was introduced in the year 1858-59. The village of Vyáravli only was brought under its operation during the current year 1885-86. The village was held on *khoti* tenure but owing to certain balances remaining unpaid it was lately resumed and surveyed.

Q. 2.—How was the *varkas* land treated at the time?

Q. 3.—Were the *shindád* lands measured off? Are you aware of there being any individual *vahivát* in the village *gurcharan*?

A.—These questions are on one subject and I think I can answer them collectively better. The *varkas* in this *táluka* was, it appears, in individual occupation before the Survey. In the Survey therefore it was measured and assessed in the same way as the *tari* or rice land. Unlike the *tari*, however, it is not divided into sub-numbers and no boundary of each holding is delineated on the village map. Yet the Survey Department is found to be able to furnish rough sketches showing the position of each sub-holding in a *varkas* survey number. The word *shindád* is not here much used as it is in some other *tálukás*. It is only in the Khairne Patti that it is rarely used and understood. But even there, as in the island, the *varkas* was measured off at the time of the Survey and entered in the names of the occupants. No individual *vahivát* of cutting *ráb* in the *gurcharan* land has ever come to my notice in this *táluka*.

Q. 4.—Give your opinion on the new Forest Settlement of your *táluka ?*

A.—The new settlement which professes to have made many concessions, is not, in my humble opinion, capable of removing altogether the grounds of popular complaints. If one cause of complaint is removed another is created, which is, I apprehend, surely to be felt in the working of the settlement :—

(1). The system of closing one-third portion at a time has no doubt its own merit to recommend its adoption, but it is likely to cause perplexion among the villagers when the open portion is closed or the closed one is opened. The village and forest officers may well explain and give publicity to the change, yet many a man, woman and child are sure to remain ignorant. Those who remain in ignorance must suffer the inevitable trouble and annoyance of departmental and other inquiries and their consequence. The system may be good theoretically, but the ignorant state of the populace among whom it is to be practised should be taken into consideration. The people shall have, under the closure system, to take more care of their cattle than they are accustomed to. Cattle is sure to make its way into the portion formerly open but now closed whereon it was mostly habituated to graze. At present when there is nothing to be protected in the fields, villagers let loose their cattle without any one to look after them. They will have to employ men hereafter all the year round.

(2). The closure system is intended evidently to increase the number and to better the growth of valuable forest trees. It should, however, be borne in mind that where trees abound, grass disappears. If trees are allowed to grow thickly on a land which was old *gurcharan,* it will be more a forest than a *gurcharan.* Scarcity of grass will be a natural result and a general complaint, I am afraid, within a few years hence.

(3). It is laid down in the settlement that no portion greater than one-third of the forests, Reserved as well as Protected, shall be closed at a time. This shows that one-third portion may always remain closed up and thus people who used the whole of that land for their *gurcharan* and other purposes may be deprived of the use of that portion. Less supply thus caused may in certain instances be very keenly felt. For instance the villages of Thána, Chendni and Pánch Pákhádi enjoyed up to this time an area of $726\frac{9}{20}$ acres for their *gurcharan.* Under the new settlement the forest area is put down at $634\frac{3}{8}$ acres, of which one-third $211\frac{9}{20}$ acres may remain always closed. The remainder $422\frac{3}{4}\frac{7}{0}$ acres together with the *gurcharan* $137\frac{13}{40}$ acres now left out of the forests makes up a total area of $560\frac{1}{4}$ acres available hereafter for grazing purposes. This arrangement decreases the original area by $166\frac{1}{5}$ acres where the number of cattle is about 850.

(4). In the settlement, with but one exception of Airavli no right or privilege is allowed to a non-forest village to supply its wants from a forest village. This is, I submit, to a certain extent unjust. A non-forest villager has to go a long distance to supply himself with the necessary thing which in itself many think to be a grievance. I am aware of complaints made in other districts on account of certain lands which were not occupied before the survey and which were assessed at that time and subsequently given away for individual occupation. People objected to it on the ground that by this way they lost so much waste land which was wanted for the use of the village. I cannot understand, I confess, why the people of a non-forest village should be treated harshly. They are, at least most of them, not in a better condition than their brethren of the forest village. I may give the instance of the village of Rábále. In the survey settlement people of Rábále, Chinchavli, Gothivli and Dive were allowed to graze their cattle in Survey No. 205 of Rábále. In the forest settlement, after about twenty-eight years' privilege, if not right, the people of the three other villages, of Chinchavli, Gothivli and Dive, are told that they shall have to pay if they use the Rábále land for *gurcharan.* I have no doubt from what I hear and know that there exists a custom from time immemorial for the non-forest villages to resort to a forest village to get their wants supplied. For instance, the villages of Ju and Vási in the Khairne Patti as well as Vesáve and Bháyandar in the island must entirely be dependent on the neighbouring forest villages. The inhabitants of the first two villages are mostly Kolis, too poor to afford to buy firewood, &c. They must and they do resort to the neighbouring villages for firewood, *kárvi,* &c. I am therefore respectfully of opinion that a due inquiry should be made for each village and either the old custom may be allowed to continue or new provision made.

(5). In Sálsette the area of the protected forest is 2,377 acres and $34\frac{1}{4}$ *gunthás,* while that of the reserved one is $14,788\frac{7}{20}$ acres. In the former some more privileges are allowed than in the latter, but the protected forests are so small that people cannot much be benefitted by it. Many of the old *gurcharan* lands have been included in the Reserved forest. I am respectfully of opinion that they could have well been made Protected instead of Reserved forests. People can have no grudge if Government reserve their big and old forest, such as Parsik, Yeur, Kási, Mire, and others.

Q. 5.—What *sherás* were written opposite the waste lands of the village ?

A.—A separate list is appended of *sherás* to be found on the Survey Register called *sud.*

Q. 6.—Have they since been altered ?

A.—It has come to my notice that the *sherás* in the *Sabandh Pad Taktás* differ in some instances from those of the *sud.* The both are survey records. The former is prepared

before I believe the latter is prepared. In the first year of the survey *jamábandi* the accounts are prepared according to the *takta*. They are afterwards corrected according to the *sud* received later on. The following will show the manner in which the changes are made :—

Name of Village.	Survey Number.	The *Shera* on the *Sabandh Pad Takta*.	The *Shera* on the *Sud*.
Mulund ...	352	*Gurcharnis mophat thevila áhe.* Assigned for free grazing.	*Khájan.* Marshland.
Ghodbandar ...	218	*Gurcharnikade thevile ahet, lágvad káru deu naye. Jangal khelte ráhave.* Set apart for grazing cultivation not to be allowed. Forest to remain *khelte* (open ?)	*Sarkári rán.* Government forest
Káshi	98	*Gurcharnikade thevile ahet, lágvad karu deu naye, nambarche rán rakshávc.* Assigned for grazing, cultivation not be allowed. Forest in the number to be preserved.	*Sarkári rán.* Government forest.

I have also noticed the *sherás* on the *sud* subsequently corrected. For an instance I give below the *sherás* of the *sud* of Yeur village :—

Survey Number.	The original Black Ink *Shera*.	The altered Red Ink *Shera*.
122	*Sarkári rán.* Government forest ...	*Kuran darsál liláv karnyácha tharáv kela áhe, parantu kuran makatyácha tharáv darsál huzur manjurine karit jáva.* It is decided that pasturage should be sold by auction every year ; but the sale should every year be confirmed with the sanction of the Huzúr.
123	*Shera náhi nambar nava padla áhe.* There is no endorsement, the number has been lately measured off.	*Sarkári rán.* Government forest.

I tried but failed to find out as to by whom and under what circumstances the changes were made.

Q. 7.—Do the people claim any *málki* trees in the waste lands of the village ?

A.—People do claim *málki* trees on assessed waste, unassessed waste, and on *gávthán*. No such claim is however admitted by the Revenue Department without a documentary or other strong evidence. The Proclamation of 8th July 1847, No. 8, encouraged the villagers to plant teak and other kinds of trees on their *málki* land as well as on open space near the *gávthán* and on *gurcharan* land, declaring that the proprietary right on those trees may be enjoyed by the village communities. The Collector's Circular No. 19, dated 14th November 1881, however says the right on trees goes with the right on land, and if the land does not belong to the rayats the trees standing thereon cannot belong to them. Still in this *táluka* whoever has his fruit trees on waste lands is allowed to enjoy the fruit on payment of one anna tax per tree. So whenever *málki* is proved on a tree standing on waste lands, the anna assessment is levied upon it and the owner is allowed to enjoy the usufruct. Formerly the owners were even permitted to take the wood of such trees, but since after the issue of the Circular No. 19 the wood is sold by Government. As regards the trees on *gávthán* land, the Collector's Circular No. 17, dated 19th October 1880, directed that no claim should be admitted on such trees. But Circular No. 42 of 15th December 1882 lays down a rule that trees standing within compounds should invariably be considered as the people's property. Later on even teak trees standing within hedges in *gávthán* are permitted to be cut for domestic purposes.

Q. 8.—What record has been made about such claim ?

A.—Under instructions contained in Hope's Village Form No. I as well as under a subsequent order remarks are written in the last column of Village Form No. I showing the number of *málki* trees standing on assessed survey numbers.

Q. 9.—Have there been any alterations in such records ?

A.—According to order No. 55 of 1881-82 from the Collector the word '*málki*' is removed with red ink from the remarks written opposite the unassessed survey numbers.

Q. 10.—Give the history of trees in occupied number?

A.—There is no record forthcoming at the *táluka kacheri* or office showing conditions of the Survey Settlement with regard to trees. Soon after I took charge of this *táluka* I found the practice for the rayat to obtain permission from the *mámlatdár* and to cut *injáili* kinds of trees for trade and other purposes. The permission is sought simply to avoid future complications. I made a report, No. 733 of 1883-84, asking for the survey records, but was told to follow the practice hitherto followed in the *táluka*, including the Khairne Patti. On the strength of this correspondence I understand that the holders have proprietary right on all trees on occupied lands except those of the reserved kinds—teak and blackwood. In many instances the reserved kinds of trees also have been sold to the occupants under the well-known Ellis rules. *Sherás* have been written on Village Form No. I wherever such trees are sold. In some villages this has not been done.

The *tád* trees are considered Government. Holders who pay *budadene* take the usufruct but are not allowed to take the wood. Alterations have recently been sanctioned by Government in this matter, but they are not as yet carried out.

Q. 11.—Do you think the State interference in the tree-growth of *málki* numbers should cease?

A.—Situated as Sálsette is near Bombay where most of the land-holders are, I think, comparatively intelligent and in better circumstances, the management of trees may well rest with them. A tree is but a produce of land as are all other products of it, and I see no reason for State interference in one or in the other. It is not needed at least in Sálsette *táluka* where teak and blackwood trees are not many in occupied lands and where the people seem to have better appreciated the value of preservation of trees. I am respectfully of opinion that where the reserved kinds of trees are not sold they may now be sold and Sálsette may safely be made a model *táluka* where no kind of reservation should be left for Government.

Q. 12.—Do you propose any restrictions on the way of the occupants disposing of their trees?

A.—In this *táluka* I do not think that any such restriction is necessary. No such restrictions exist at present with regard to *injáili* trees and with regard to the reserved kinds of trees where they are sold. No mischief is noticeable as elsewhere in absence of such restrictions. On the contrary there are instances to show that where the teak trees are sold they are preserved and taken care of in the same way as the Forest Department would have done.

The List of various Sherás *entered in the Survey Register of the Sálsette* Táluka *in the Thána District referred to in Answer to Question 5.*

1. *Rán rakshan gavtáche darsál liláv karáve.* Preservation of forest, grass to be sold every year by auction.
2. *Rán rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving forest.
3. *Gurcharnis mopthat dila áhe.* Assigned for free grazing.
4. *Jangalche rakshan karun gure mophat chárávi gávbhág.* Cattle to be grazed free preserving forest; village forest.
5. *Jangalche rakshan karun gure mophat chárávi.* Cattle to be grazed free preserving the jungle.
6. *Kurnákade darsál liláv karáve.* Pasture land; to be sold by auction every year.
7. *Sarkárche rán.* Government forest.
8. *Gurcharnikade.* For grazing.
9. *Gurcharnikade gávche gurás mophat thevila.* Grazing; to be used free by village cattle.
10. *Kuran.* Pasture land.
11. *Darsál lilávákade.* To be sold by auction every year.
12. *Khájan.* Marsh land.
13. *Kuran liláv karnes.* Pasture land to be sold by auction.
14. *Rán rakshankade thevila áhe.* Set apart for preservation of forest.
15. *Bábhliche jhádáche rakshan karun gávchi gure chárun ránáche rakshan karáve.* Forest to be preserved, grazing village cattle and preserving *bábhul* trees.
16. *Gurcharnikade thevila áhe, tyántil ránáche rakshan karáve.* Set apart for grazing; forest in it to be preserved.
17. *Gurcharnikade mophat thevila áhe, tyántil ránáche rakshan karáve.* Set apart for free grazing; forest in it to be preserved.
18. *Gávche rán.* Village forest.
19. *Gávchi gure mophat chárávi.* Village cattle to be grazed free.
20. *Darsál gavtáche liláv karáve.* Grass to be sold by auction every year.

WITNESS No. 37—(DAHÁNU *Táluka*).

1st March 1886.

GOVIND NÁRÁYAN, a Brahman, cultivator and money-lender, aged 51, residing at Umbargaon, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold *suti* land in five villages of Umbargaon *peta* and one village of Dáhánu. It consists of 225 acres of *kharíf* and 800 acres of *varkas*, and the whole is assessed at Rs. 800. Three of these villages have no forest. The forest villages are resorted to by the inhabitants of other villages for forest produce. The *sutidárs* of forest villages do not object to this user by the non-forest villages. The *ráb* obtainable from my *varkas* is not sufficient for my rice cultivation. I myself cultivate rice lands in three villages. I supplement my *ráb* supply from *gurcharan* and *gávbhág*. In some villages the *gurcharans* are used as common *ráb* lands; in others they are sliced among the different cultivators. Where the occupied *varkas* is not large, the *gurcharan shindád* is generally divided among the cultivators; on the other hand where the occupied *varkas* area is large, the *gurcharan* is used in common by the whole village. In none of the villages in which I hold *suti* lands are the *gurcharans* divided. I know that in the villages of Achhád and Ghimne the people have individual *vahivát* in their *gurcharans*. On 23rd September 1871 the *mahálkari* informed one of the inhabitants of Umbargaon that loppings might be taken by the cultivators from the *gurcharan* and *gávkhap* lands. The principal loppings for *ráb* are obtained from the *ain* which grows generally in the *gurcharan* and *málki* lands. *Dháyti*, *ukshi*, and other bushes are not used for *ráb* because they are considered as inferior materials and do not yield good seedlings of rice. In the *ránpatti* villages, a greater quantity of loppings is necessary as suitable grass is not to be had there in sufficient quantity. All the cow-dung that is avaiable is used for *ráb*. When the survey settlement for Umbargaon was announced Colonel Francis gave us to understand that there were no reservations of any trees on behalf of Government in occupied lands.

This fact is strengthened by a statement to a similiar effect in the Thána Gazetteer, Vol. I. I am aware that Government have placed restrictions on trees in *málki* numbers in the Dáhánu *táluka* proper, but I do not know of any special reasons why *táluka* division proper should have been treated differently from the *peta* division. The copy (*vide* ExhibitNo. 60) of the memorial to Government on this subject which accompanied the Umbargaon people's petition dated 10th October 1885, to the address of the Commission contains a full account as to how the concessions made at the Survey were modified from time to time. I hand in copies as per list (*vide* Exhibit No. 61) of the several documents referred to in that memorial. Prior to 1882 whenever we sold wood from our numbers, it was covered by passes granted by us in the same form as was used by *inámdárs*. The books of printed forms were supplied to us by the Forest Department, at the rate of six pies per form. I produce copy of an order issued by the Collector of Thána, under date 22nd April 1867, informing one Devji Bhikári that the necessary permission to sell wood from his *málki* numbers had already been granted. This shows that the occupants were at one time allowed to dispose of wood from their *málki* numbers. Since 1882 in four instances people have been punished for cutting trees from their occupied lands for domestic purposes. In the village of Mohan one Kohya Náya, Police *pátil*, was sentenced to pay a fine of Rs.10 for having felled a hollow *bhendi* tree from the *gurcharan*. Kohya has had his house in the *gurcharan* from before the Survey and the *bhendi* tree which was felled by him had become actually dangerous and was likely to fall on the house. Two houses were removed from the *gurcharan* of Umbargaon after the land was notified as Protected forest. I do not know who removed them and under what authority. I know that the owners of the houses were not willing to vacate but they made no complaint. The houses stood in the *gurcharan* from long before the Survey. At the time of the Survey only the rice lands were measured field by field. The *varkas* area was not so broken up into fields but some *varkas* numbers were marked off by scale on the maps and the boundary marks were raised afterwards in accordance with the entries in the map. Some of the mark-stones have not been put up yet. Many irregularities have been discovered in the measurement of the *varkas* Survey: numbers the area of which is recorded as twenty-five acres, actually measure twenty acres and *vice versâ*. In 1851 Dr. Gibson made an arrangement to issue permits on payment of certain fees for clearing wood from the forests. This did not satisfy the people, and they complained to the Government of Bombay. Dr. Gibson thereupon substituted another arrangement by which people were freely allowed to remove wood from the forest on payment of Rs. 2 to 1 per cart per season as the permit was obtained sooner or later. (The witness read the conditions of this permit system from an agreement in his possession.) This arrangement lasted for about five years. I was a *náka kárkun* on behalf of one of the wood dealers at the time. I do not think that there was any sensible diminution of the forest on account of the removal of wood under this system. Some *kita* (large fuel pieces) used to be then exported to Bombay and Gujarát by boats. The same system was in force with some modifications till 1870. In some years Government departmentally collected the permit fees. In other years the right of levying such fees was farmed. Since 1870, the *kolpát* has been sold by contract and also

allowed to be removed by permits. The timber has been cut and sold either by tender or departmentally. The *kita* has also been sold by contract. The *kolpát* contract leads to fraud. The cost of removing one candy of *kita* of teak, including the fee of Re. 1 per cart, is about Rs. 3-4, and the selling price of such wood in Bombay is Rs. 2-4. The contractors make up the loss by removing green wood timber as *kolpát* and selling it either locally or in Bombay. I consider that this has greatly injured the forests. I say so because they appear to me to be not so thick as they were when Dr. Gibson's system was in force.

2nd March 1886.

The *kita* that is removed to Bombay is mixed, *i. e.*, *injáili* and teak. The prevailing price of this material in Bombay is generally Rs. 2-4-0. It is sometimes Rs. 2-8-0. I have no personal knowledge of these prices. I speak from the information I get from the traders. The trees in *málki* numbers supply on the whole from ⅛ to ¼ of the fuel-supply required by the people of the *petta*, the *gávbhág* supplies the rest. There was a forest depôt opened at Vevji three years ago; there were two other depôts in the *peta* started about the same time. The Vevji depôt was expected to supply the wants of about fifteen to twenty villages, but it was not greatly availed of. Some wood was sold at first, but the stock was insufficient and the material was indifferent. I never bought any wood myself. I went frequently to the depôt but did not come across suitable wood. My tenant also did not buy anything. I have heard that some people, such as Pándharpeshás, bought wood from the depôts in the name of the *sutidárs* or land-holders and used it either for building or trade purposes. There was some good wood mixed with bad in the lot that was exposed for sale, but as I was not allowed by the *nákedár* to select what I wanted I could not get what suited me. I would probably have been allowed to select my own wood if I had squared with the *nákedár*, but I did not care to do so. Even after the establishment of the depôts my tenants supplied themselves with ploughs and other agricultural wood from the *gávbhág*; they told me that they did so. I suppose my servants employed on my farm must have done the same. I am not sure, but as I did not buy any such wood for them, I presume that they must have brought it from the *gávbhag* as usual. The people who have to remove wood from the forest generally manage to do so when the forest guard is absent, but if ever found, they square with him. Two of my tenants told me that they had actually to do this on one occasion. In 1882 one Customs peon named Sakhárám who died at Umbargaon had to be buried instead of being cremated, as there was no fuel to be had for sale in the village. The delay in getting a permit would have been very long. Wood could not also be got from occupied numbers because it is difficult to prove that it had not been sold. Várlis occasionally bring head-loads. Pándharpesha residents of Umbargaon get their fuel either from *málki* numbers or by permits. I do not suppose any body would be punished for giving wood for cremation from *málki* numbers, but it would involve him in trouble. I do not know whether application was made either to the *pátil* or *mahálkari* about this. This was not a solitary instance of its kind, there were several other cases of the same sort. This was the result of the restrictions on sale of trees in *málki* numbers and imposition of fees for removal of head-loads and cart-loads from Government forests. The teak trees in *málki* numbers in some villages of Umbargaon *peta* have been lately cleared by Government, and the *injáili* trees have not been touched; they are pretty nearly in the same condition as they were at the time of the Settlement. The present restrictions as regards trees in *málki* numbers are not liked by the people, because they are intended to benefit the Government, but if the people were assured that they would get the full benefit of the tree-growth in their numbers, any restrictions with regard to their disposal would be acceptable to them.

By the Commission,

In three non-forest villages I have about 200 acres of *varkas*. Of this twenty acres are under cultivation and the rest produce grass. There are some 300 *bábhul* trees in one of the numbers. In the forest villages I hold 600 acres of *varkas*. Of this fifty-five acres are under cultivation and the rest are kept as forest land for *shindád*. There is not much grass grown in this *varkas* area as the tree-growth is thick. The principal trees are *ain*, teak, *bibla*, *kinai*, &c. I obtain *ráb* loppings from my occupied *varkas* for about 200 acres of rice cultivation; for the remaining twenty-five acres I have to obtain the loppings from the *gávkhap*. I would get sufficient fuel from my own *varkas* if I got timely permission to cut it. My occupied lands would supply the agricultural wood required if the forest growth of those lands were carefully looked after. Under the present restrictions we have no inducement to improve the tree growth in *málki* numbers. I have not read the rules regulating the use of trees in occupied lands under the Dáhánu settlement passed under Section 75 of the Forest Act. I have obtained permission to cut about 300 trees for repairing my house and cattle-shed this year. Since the prohibition to cut certain reserved trees in Protected forest, I have not obtained any loppings from the *gávbhág* but others may have done so. My servants may have done so, but I am not aware. Since the date of the prohibition the people have

given up bringing *ráb* from the *gávbhág* to some extent. It is customary in the *peta* to use dry leaves for *ráb*. Those who cannot get *táhál* burn dry leaves. They are also used to supplement the ordinary leaves. The seedlings produced in beds burnt with dry leaves are inferior to those grown in beds of *ain ráb*. The coast villages resort to the forest villages for forest produce. I live in Umbargaon and hold land there.

WITNESS No. 38—(DÁHA'NU *Táluka*

2nd March 1886.

ARDESAR DARA'BJI, a Pársi, cultivator, money-lender and trader, aged 39, residing at Deheri, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold *suti* land in thirteen villages of Dáhánu *táluka* proper and five villages of the *peta* sub-division as they stood at the time of the Survey. My *suti* consists of 1,000 acres of *kharíf* and 2,000 acres of *varkas*. I pay about Rs. 2,600 as annual assessment to Government. Thirteen of the eighteen villages mentioned above have forests. The forests of Dhámangaon, Anvir, Bápgaon, and Limbápur are particularly large. They are resorted to by several coast villages and other non-forest villages. The inhabitants of forest villages do not object to the use made of their forests by the non-forest villages. Formerly fuel, *kárvi*, bámboos and wood for agricultural purposes were removed from the forests without any interference. Since the establishment of the *nákás*, all the villagers on the forest side of the *nákás* have been removing forest material as before; but the villagers who have to pass through the *nákás* do so only by evading them. The *táhál* obtainable from my occupied *varkas* is not sufficient for my rice cultivation. In five non-forest villages I have 100 acres of *kharíf* and 200 acres of *varkas*. Of the latter eighty-four acres are under cultivation, eighty acres under grass, ten acres under mangoes, and the rest is used as grazing ground. In thirteen forest villages I hold in all 900 acres of *kharíf* land and 1,800 acres of *varkas*. Of the *varkas* 100 acres have since been converted into rice and 300 acres are devoted to the cultivation of *kodra, nágli*, &c. One thousand four hundred acres are kept as *shindád* land which contain teak, *ain, khair*, and other trees. I have never sold any wood from my *málki* lands. The loppings available from the 1,400 acres of *varkas* suffice for about 500 acres of rice cultivation; for the remaining area, I use either cow-dung or droppings of sheep as *ráb* or use oil-cake as manure. I have allotted different *varkas* patches to my tenants; when the *táhál* that can be obtained from such patches is insufficient they fetch it from elsewhere. They sometimes supplement the *táhál* supply with the dry leaves of teak, but in such cases the seedlings are very inferior. We are now prohibited from cutting any wood even for domestic use from our *málki* numbers without permission. This restriction was placed seven years ago. Before that time in the *peta* division we used to cut without permission even for trade and in the *táluka* division, the occupants were allowed to cut without permission for their own use. I hold land in the village of Kochai. When my houses in that village were burnt by fire in 1880, I asked for permission to cut about 1,000 trees, big and small, from my *málki* lands for re-building the houses; but I was charged Rs. 44 as fee for cutting the *injáli* wood from my lands. I produce four orders (*vide* Exhibit Nos. 62-65) issued by the Revenue authorities to show that permission to cut wood from *málki* numbers for domestic purposes was delayed for an unreasonable time, namely, from 1883 to 1886, and also to show that such permission was withheld on account of the well-to-do state of the holders and their not cultivating the lands in person.

3rd March 1886.

I produce an order (*vide* Exhibit No. 66) issued on 4th June 1880 to show that permission was granted to an occupant of the *peta* division to cut wood from his *málki* numbers for trade. I also hand in seven orders (*vide* Exhibits Nos. 67-73) of subsequent dates refusing such permission either for trade or domestic use. I specially draw the attention of the Commission to the *tákid* issued on 21st November 1882 in which permission to convert *varkas* land into *kharíf* was refused on the ground that the assessment fixed for the land was low and that its conversion into *kharíf* would benefit the occupant at the sacrifice of the trees. In the village of Kochai I have built a costly dam across the river which adjoins my occupied lands and I wish to get rid of the teak in my numbers as it obstructs cultivation of those lands, but the Collector refuses to cut away the trees. I have made a separate petition to the Commission on the subject which I now verify. I have about two hundred tenants under me. They supply themselves with agricultural wood as far as possible from my *málki varkas*, but when this fails, they resort to the Government jungles. This is contrary to rules. If the offenders are caught by the forest guards, they generally square with them. If in any case they are not able to do this, they are prosecuted and punished. There are forest *nákás* established along the line of the Railway. The village of Bhilád has such a *náka*. It is the nearest *náka* to Kochai where I have my farm. It is about ten miles from Kochai. Last year when I had to get some forest materials by permit from the adjoining forest of Anvir, I had to obtain the permit from the *nákedár*, to get the materials from the forest, take them to the *náka*, and then to remove them to my village. I had to return the permit finally to the *náka*, thus involving three trips to the *náka* for obtaining materials which are to be

had within two miles of where I live. I frequently visited the agricultural depôt that had been established at Vevji. On two occasions I wanted to buy materials for railing, but I could not get them as the wood that was suitable was reported to have been sold although not removed. I have no reason to suppose that the wood was not actually sold. There was not much difference between the prices charged at the depôt and those obtaining at the market. The *dharans* were charged at the depôt at Rs. 2-8-0 per piece, the posts ten annas per piece and *nángar khuts* four annas per piece. I do not know the prices of *rumna* and rafters. There was no *tivas* wood offered for sale at the depôts. It is used for parts of carts and ploughs. I am not aware of traders having bought wood at the depôt through the *sutidárs*, but those who had to build houses sometimes bought wood, in excess of the maximum quantity allowed, in the name of the other land-holders. I use Swedish plough on my own farm. In 1881-82 one Sukad Garud of Kochai was prosecuted by the Forest Department for having cut some *ain* trees from his *málki* numbers without permission, but was discharged by the Magistrate. In this case Sukad had asked for permission to cut, but he did not get any reply for six or seven months. Lately a tenant of mine cut some wood from my *málki* land for repairing his house. The wood was attached and I was asked by the *mahálkari* if I had permitted him to cut the wood. I stated in reply that I had not granted the permission, but as he was my tenant I had no objection to his having used the wood. I do not know whether the matter has yet been settled or not. I produce a circular order (*vide* Exhibit No. 74) of the Collector, dated 13th December 1882, to show that people were allowed to take *táhál* from the *gurcharns* and Protected forests in Dáhánu *táluka*. *Kolpát* was sold by contract in this *táluka* for several years by the Forest Department. This led to the manufacture of dead-wood by the Várlis. Many teak and other valuable timber trees were thus removed as *kita* by the Várlis for the contractors. This also gave opportunity to the holders of *málki* numbers to dispose of teak and other wood on their lands under the cover of the contractor's license. I heard that last year there was committed a large theft of felled wood from Government forest in the village of Sarávli. There was also another theft reported from the *peta*. It was in the villages of Shirgaon and Pálikarmeli. I am of opinion that the present restrictions in the way of cutting wood from *málki* lands for domestic and agricultural purposes are vexatious. They discourage the occupants from improving the tree growth on their lands and they should be removed. Permission may be insisted upon when the occupants have to cut for trade. Such permission should only be granted if there be surplus stock of wood over and above the wants of the holders and the cultivators of the lands. The permission must also be granted within a reasonable time, and if not received within three months, it should be presumed as given. I think that timber trees improve if properly pruned. I have noticed that the trees so pruned in the territories of Daman and the Javhár State grow straight and are larger in dimensions. If the trees in Government jungles were similarly pruned, it would benefit the trees and also supply materials for *ráb*. The people know how to remove loppings without injury to the trees, but they will have to be supervised. If I had a private forest kept for timber alone I should allow the trees to be lopped for *táhál*. The supervision that is necessary need only be confined to general directions against cutting branches and top-shoots.

By the Commission,

I generally live at Kochai. The round guards have no authority to issue permits. The loppings for *ráb* are chiefly obtained from *ain, khair, dhávda, behada, kalam, hed, mowra, bibla* and brushwood. *Pimpal* leaves are occasionally used, but they are generally reserved as green fodder for our cattle. *Sábre* or cactus is not used for this purpose. *Ukshi* and *dháiti* are also used whenever obtainable. In fact everything comes in for *táhál* except teak and black wood. I am not aware of any special reasons for treating the *peta* differently from the *táluka* division as regards the trees in occupied lands. If sufficient cow-dung, that is, four inches thick, were used with grass for *ráb* it would benefit the seed-bed more than even the *ain ráb*. *Ain* loppings are preferred to other loppings because they burn the seed-bed thoroughly and they yield a larger quantity of ash. I think the ash of *ain* contains lime. *Ain* ash is used for white-washing boundary mark-stones.

WITNESS NO. 39—(DA'HA'NU *Táluka*).

5th March 1886.

DHA'KYA BIN RA'DHYA SUTA'R, a Várli, cultivator, aged 50, residing at Talásari, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold land assessed at Rs. 31-12-0 in the village of Talásari. Some of it is *varkas* which contains teak, *ain, kuda, khair,* &c. It does not yield sufficient *ráb* material for my rice cultivation. I have therefore to sow some fields without *ráb*. Sometimes one or two

patches lie waste. I obtain *táhál* also from the *gurcharán* land. I lop small branches of *ain*, *kuda*, *palas* and such other trees in it. I do not cut anything from the Government forest. I get what agricultural wood I can from my occupied *varkas*. *Tivas* wood is necessary for ploughs. Government now demands fees for such wood but we cannot afford to buy it. I am using my old ploughs. When they will require renewal, I shall ask Government to give me what I require free for my two ploughs. I bought two ploughs soon after the Survey Settlement of a carpenter at Khatalváda. A new plough lasts for seven or eight years. Whenever I mend my ploughs, I use the wood from my land for the purpose. The shares require to be renewed once or twice in a year. *Khair* is preferred for the purpose, but if that cannot be had, *gorad*, *ghot* or any other wood is used. I get my fuel-supply from my *varkas*. Should that prove insufficient I collect fallen wood from elsewhere, *i. e.*, from the other occupied lands or even from Government forests. If caught by the guards we have to square with them by paying them something or giving them a fowl; otherwise they drag us to the *kacheri* at Umbargaon. There are 150 families of Várlis in Talásari. Most of them hold land or cultivate for others, and some others work as labourers. There are about thirty ploughs in all in my village. I do not know how others get their plough wood. Our huts last for ten or twelve years. Sometimes they require renewal after three years. Last year I had to renew my huts. I had obtained permission to cut wood from my *málki* numbers for the purpose. I obtained permission the same year I asked for it. I partly used the old wood that was serviceable and partly the new wood cut from my numbers. The labourers in our village find employment with Pársis or other land-holders. They are sometimes employed to cut wood for Government or on Railway works. I beg that we may be allowed free wood for fuel, agricultural implements, and building purposes. We do not want to touch teak and blackwood. We should be allowed to remove *táhál*. We want more land for cultivation. What I have asked here we used to get till Government imposed the prohibitions four or five years ago. We may be allowed small loppings of teak in *málki* numbers.

By the Commission,

I hear that some people emigrate to Daman whenever they are oppressed by creditors here but they return after two or three years to evade the *bigár* or forced labour. My father and grandfather often said that the people were much more happy under the British *ráj* than under the Peshvás, but the forest restrictions and the salt and ábkári regulations within the last seven or eight years have made them miserable. When I bought my ploughs of the carpenter at Khatalvádi, I paid him Rs. 3 for them. The carpenter got the wood for nothing, and I only paid him for his labour. The ploughs were without the iron shares. The same ploughs would now cost from Rs. 3 to Rs. 4. The *tivas* has become more scarce in the plain villages now than before; when there were no restrictions on wood-cutting they were cleared off.

WITNESS No. 40—(DA'HA'NU *Táluka*).

5th March 1886.

BHA'NA NISA MORI, a Rajput, culitvator, aged 35, residing at Naroli in Daman territory, stated in reply to questions

By the Secretary, Thána Forest Association,

I am a land-holder in Daman and Dáhánu. I am *pátil* of seventy-two villages of Nagar-Haveli in Daman. In all these villages there are forests. In ten villages they are strictly closed. In the other sixty-two, the inhabitants are allowed to get the materials they want free under permission from the administrator. Government also cuts wood in the sixty-two villages and sells it from time to time. Inhabitants of other villages, that is, twenty-four coast villages of Daman and other British villages, can get their material on payment of fixed fees. In the ten villages mentioned above, the residents of the villages are allowed to take from the closed forests what they want for their own use. The rates of the permits are five annas per cart-load of fuel and five to six rupees per *gaj* of *ain* wood. The fee on teak varies according to the quality of the wood from Rs. 2 to 9 per *gaj*. The head-loads are not charged anything, but no wood is allowed to be removed without the payment of fees outside the forest villages. The inhabitants of some of the villages of Umbargaon *peta* bordering on the Daman territory resort to the Daman forests. They have been doing so more frequently within the last four years. The same rate is charged for traders and agriculturists. The forests in Daman are under the supervision of a separate department. They are watched by forest guards and *pátils*. There are no thefts or forest offences committed by the inhabitants because they get all the wood they require free. Even if a man wished to build a house of Rs. 10,000 he would get the wood without difficulty. In fact the Government has been encouraging the people to build more substantial houses. Within the last five years there has been marked increase of emigrants from the British to the Daman territory. Five to six thousand Várlis and 200 Pándharpeshás have entered the Daman territory. The reason assigned is that land is to be had more freely in Daman and there are less forest restrictions. The emigrants are chiefly from Umbargaon, but some have come from Dharampur also. Daman

subjects also emigrate to the British territory every year chiefly to evade creditors. In the village of Naroli where I cultivate my lands in person there is no forest. The inhabitants of this village draw their supply of wood from the forest of the neighbouring village under permits, but they are not charged anything for it. I obtain my *ráb* for the Naroli farm from the adjoining forest. We are allowed to take loppings from all but the fruit trees. *Ain* and teak loppings are specially valued for *ráb*. The lopping of teak and other trees benefits Government as the leading shoots are improved thereby. The loppings when removed every year are seldom more than one inch in diameter. None of the loppings are used for fuel. The loppings are made under the supervision of the forest guards. These latter see that the leading shoots are not cut and the saplings are not destroyed. There are twenty guards and two inspectors and five *nákás* to watch the forest of seventy-two villages. This is the permanent establishment, but it is supplemented by temporary men whenever necessary. Lopping has rather improved the trees than otherwise. Wherever old unlopped trees are met with they are generally crooked. The traders prefer the Daman teak to that of the British Districts because it is less knotty and more straight. The superiority of the Daman teak is ascribed to the pruning. The *pátils* are bound to render assistance to the forest guard in carrying out the orders of his superiors.

By the Commission,

The *pátils* get no special remuneration for the forest work. They have service land. There are ninty-six villages in all in Daman. Twenty-four of them are *gámdhani* or alienated. They pay a fixed rental to Government, about a fourth of the revenue, and also the decema tax. The permits for firewood authorize the holders to collect dead wood and cut such green wood as is not fit for timber. The permits are shown to the *pátils* who see that no abuse takes place. The *pátil* sends a Mhár or somebody in the forest whence the wood is being removed. The wood is further examined at the *nákás*. If any one tries to evade scrutiny at the *nákás* and if he is caught by the forest officers, he is prosecuted and fined and the wood, carts, and bullocks are confiscated. The lands in Daman are held on *hunda* and *nángarbandi* system. People have no right over trees in occupied lands except the fruit trees. People do not cut without permission because such permission is always granted. Government cuts and sells teak in occupied lands and also *ain* or other trees if they happen to be over and above the wants of the cultivators. The rayats have no right to sell any trees from their lands. The income from the forest to Government is about Rs. 10,000 a year. Much wood is allowed to be used freely and most of the produce from the ten reserved villages amounting to Rs. 15,000 to 20,000 is removed to Goa or Diu for public buildings. Three years ago a contract for removing 20,000 teak logs of a certain size was given to me by Government for Rs. 50,000. The contract is to run for three years.

Witness No. 41—(Da'ha'nu *Táluka*).

5th March 1886.

Sukrya Hari Suta'r, carpenter, aged 16, residing at Dáhánu, stated in his examination

By the Commission,

My father bought *tivas* wood for ploughs last year at Sávata from the Government depôt. We sell ready-made *tivas* ploughs without the iron share for Rs. 5½. We do not make ploughs of *injáili* and teak wood as people will not buy them. Twenty to twenty-five ploughs are turned out every year from my shop.

Witness No. 42—(Da'ha'nu *Táluka*).

6th March 1886.

Fra'mji Hormusji, a Pársi, cultivator and money-lender, aged 36, residing at Nárgol, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold *suti* lands in the *táluka* and *peta* divisions and also in Daman, but they are principally situated in the *táluka* division. I pay Rs. 65 assessment to Government. I hold twenty acres of *kharíf* and forty acres of *varkas* in the villages of Gadchinchale, Dábhádi, and Divshi. There is forest in all the three villages. I partly cultivate in person and partly let to others. My *varkas* lands contain trees of sorts but principally teak and *ain*. It does not however yield sufficient *ráb* material, so I supplement it from *gávbhág* and Government forest according to *vahivát*. I am not aware of any lands being specially set apart for grazing. The village cattle graze in the forest lands of the villages. The people have individual *vahivát* in the *shindád* lands. The inhabitants of other villages do not visit our forests for *táhál* because there are no *benádi* villages within ten miles of them. I do not get all the agricultural wood I require from my *málki varkas*. Other people also cannot get sufficient wood of this description from their occupied lands. We obtain it from the Government forest. I obtain my fuel from the forest of Gadchinchale and remove it to Nárgol where I live. I know that this has lately been prohibited. We have been peti-

tioning Government ever since the imposition of these forest restrictions. The inhabitants of other villages resort to our forests for fuel. Some of these have no forests in their villages and others have insufficient stock. We are aware that we break through the rules and prohibitions in matters of forests, but we cannot help it. If ever found in the act of offending, we square with the forest subordinates somehow. We have to act in such cases on the principle of Gujaráthi proverb—"When you are in difficulty you have to address even a donkey as *káka* or dear uncle." I found myself in such difficulty and I had to get over it somehow. We prepare our own ploughs. We do not buy them of the carpenters. It is only in the coast villages that carpenters sell ploughs. We sublet our lands generally to Várlis and Kokanis. The forest villages are principally peopled by Várlis. The Dublás are confined to the coast villages, I lend money to the Várlis and Kokanis. All the Várlis cultivate more or less, but most of them only cultivate hill grain. Those who have no land, and they form less than ¼th of Várli population, work as agricultural labourers. Várlis are very honest in their dealings; they are better than Pándharpeshas It would never occur to them to repudiate debts unless they are put up to it. About fifty to sixty families of Várlis to whom I had advanced money in the villages of Sukadámba, Kinavli, Chálni, Chinchale, Dábhádi and Divshi have left the British territory for Daman within the last two years because they have been prevented from cultivating in unassessed waste lands. I had never brought any suit against them. These people would return if they got lands to cultivate. In the village of Gadchinchale the rice lands of one Gopji Dhákya and two others were left unassessed. The holders have continued to cultivate the lands. For some years they were charged only the estimated assessment, but latterly they have been made to pay the penalty for unauthorized cultivation in addition. Many plots of this description were left unassessed in almost all the *ránpatti* villages.

By the Commission,

Some of my *vahivát shindád* lands were included in the *gurcharan.* I did not apply for their being measured off immediately after the survey as I was not made aware then that they were not so measured.

WITNESS No. 43—(DAHA'NU *Táluka*).

6th March 1886.

HIRA BIN DHARMA, a Malhár Koli, cultivator, aged 40, residing at Dábhon stated in reply to questions

By the Secretary, Thána Forest Association,

I am *vatandár* officiating *pátil* of Dábhon. I get Rs. 15-8-0 as yearly remuneration. I hold *suti* and *vatan* lands for which I pay Rs. 30-8-0 to Government. I keep seven ploughs. The *táhál* obtainable from my *varkas* is not sufficient for my *kharif* cultivation. The *varkas* land contains teak, *ain,* blackwood, *dhávda, bonda, nána, tivas* and other trees. Teak, *tivas* and blackwood are reserved by Government. I supplement my *táhál*-supply from the *gurcharan.* The whole of the *gurcharan* is used in common by the villagers for *táhál.* The same reservations as in the case of occupied lands apply to the *gurcharan.* This year Government have allowed loppings from *ain, bonda, nána,* and *dhávda* to be taken from the *gurcharan.* For three or four years we were prevented from taking loppings of these trees but we continued to do so stealthily notwithstanding. Other villages do not come to our forest for *táhál.* Formerly people of other villages freely removed bámboos, *kárvi,* fuel and wood for agricultural purposes from the forest of my village. I have not seen them doing so during the last four years. I have seen them taking bámboos, *jhitás* and firewood, but not wood for agricultural implements. I did not report this to the higher authorities although I knew it was against the rules, because if I told tales of them, they might do the same of me. When Shaik Karim was the overseer in charge of our village forest, we were strictly prohibited from removing anything from the forest, but we continued to get our wants supplied just as before. Last year we were informed that we could obtain bamboos, *jhitás* and fuel for our own use. We object to outsiders using our jungle as that diminishes our supply. As to *kárvi* the supply is practically unlimited, so we do not mind outsiders taking them. The fuel-supply is very limited and we would be inconvenienced if outsiders removed it. If we were allowed to cut branches of trees the supply would be sufficient both for my village and other villages that resort to our forest. In short, I object to outsiders taking forest produce from my village forest if that should leave too little of it for the wants of the village. If green wood were allowed to be cut for fuel, there would be no more fear of the stock being exhausted than the water of the sea drying up, as new shoots would be thrown out every year. The removal of dead wood by outsiders under permits has reduced the supply of our village and we object to it, but I have never complained about this to the authorities. As the forest belonged to Government I did not see much use from reporting. We use wood much less than we did before and we suffer also in consequence. There are about twenty-five houses of Káthodis in my village. Five or seven families live on labour, the rest cultivate small bits of land out of a number which is held by one of them. The whole land is assessed at Rs. 22. When unemployed in agricultural operations, these people go to Tárápur and Chinchni to find menial employment. They also take head-loads of fuel for sale. Várlis and Malhár Kolis also do the same. A head-load fetches from six to twelve pies. Whenever other job fails,

they take wood for sale; they live on this off and on from February to May. There are sixty to seventy houses in Dábhon. All the families take wood for sale now and then to Vángaon station, a place of weekly market and the two places mentioned above. About three or four years ago, a man in the village of Raukol was sentenced to fifteen days' imprisonment for appropriating a picee of dead teak wood from his own compound.

By the Commission.

The outsiders who removed fuel, bámboos, *jhitás* and *kárvi* from my village forest by carts did so under permits, but when they removed the same materials by head-loads they did not obtain any permits. The removal of head-loads for sale reduces our fuel-supply but we must continue to sell as that supplies us with money wherewith to buy our condiments.

WITNESS No. 44—(DA'HA'NU *Táluka*).

6th March 1886.

CHAITYA BIN LA'LYA, a Malhár Koli, cultivator, aged 60, residing at Dábhane, stated in reply to questions

By the Secretary, Thána Forest Association,

Two or three years ago I put up a new cattle-shed. I used *pángára* and *sávar* wood for the roofing. I brought the wood from my field. About the *avani* or transplantation time, Sheik Karim, the round guard, visited our village one day and after inspecting my cattle-shed sent for me at the *pátil's* house and threatened me with prosecution for my having used new wood for the shed. I thereupon squared with him by paying him Rs. 5. I had to borrow the money from the liquor shop-keeper who was a Native Christian. The *pátil* was not present when I paid the money, but my son was with me at the time and no one else. It was about noon when this happened. I did not complain about this to the *mámlatdár*. Eight or ten days after the payment of the money, I and the *pátil* happened to go to the *mámlatdár's* office. The *mámlatdár* asked me about this and I told him that I had paid Rs. 5. The *mámlatdár* was transferred immediately afterwards. On the same day that I made my statement before the *mámlatdár*, I went to Bábá Sáheb Forest Inspector who told me to withdraw my statement as that would cause trouble to me. Bezanji Pársi had sent a petition to the *mámlatdár* on the subject, but I did not tell him to do so. Bezanji was on bad terms with Sheik Karim. When I appeared before another *mámlatdár* I contradicted my former statement.

WITNESS No. 45—(DA'HA'NU *Táluka*).

8th March 1886.

PA'NDURANG HARI, a Bráhman, Vakil, Subordinate Judge's Court, Dáhánu, aged 45, residing at Dáhánu, stated in reply to questions

By the Secretary Thána, Forest Association,

I am an elected member of the Táluka Local Board. I hold 140 acres of *kharíf* and 700 acres of *varkas* assessed at Rs. 375 in three villages of the *táluka* division and one of the *peta*. I hold also *pátilki vatan* land in one village. All the three *táluka* villages, namely, Váki, Nágjhari and Dábchari, in which I hold *suti* land, have forest in them. I let most of my land to the people. The *ráb* available from my allotted *varkas* (325 acres) is sufficient for my *kharíf* cultivation (40 acres) in the village of Dábchari. In Váki I hold fifty-four acres of rice and 380 acres of *varkas*, and in Nágjhari forty acres of rice and 100 acres of *varkas*. The *ráb* obtainable from the *varkas* in these two villages is somewhat insufficient as the teak growing thereon has crowded out the *shindád* trees. I had all my *varkas*, including the *shindád*, allotted to me at the Survey, but it was not so with the other holders. I did not take up any fresh *varkas* at the Survey besides what I had already possessed before under the old tenure. In the village of Váki a part of my *shindád* which is covered with teak was not measured off at first by the measurer, but I at once represented the matter to the Assistant Superintendent, whereupon he ordered the measurer to mark off all the land in my *vahivát*. The other holders of *kharíf* were willing to have their *shindád* allotted to them even though they had to pay a separate assessment for it. Some people who knew about the proceedings of the Forest Committee of 1863 saw the necessity of being particularly careful to see that their *varkas* was not retained by Government at the time of the Survey. Those who asserted their claim to the *shindáds* got them measured off at the time, but those who failed to do so lost them. I am not aware that the survey officers showed any particular anxiety to allot *varkas* to the people. I know of some instances in which wrong entries of occupants, both with regard to *kharíf* and *shindád* lands, had crept in at the time of the Survey Settlement which remained uncorrected till very recently when the parties concerned came to an under-

standing about them and settled the matters amicably. In some instances sites of houses in the midst of *gurcharans* were not measured off and the whole area was endorsed as for grazing. I produce two *pattás* executed in 1878 to show that certain unallotted *shindád* described therein as being part of *gurcharan* has been transferred to the cultivators along with the *kharíf* for *ráb* purposes. I also produce a title deed passed in 1879 to show that a similar land has been the subject of sale in another case. When the survey rates were announced no intimation was given to the people as to the reservations of trees by Government in occupied lands. But I understood that the Umbargaon rule which conceded to the occupants all trees, except teak and blackwood, was made applicable to the *táluka* division. No proclamation was ever published by the Survey Department on the subject, nor was any intimation given to the people of any special reservations for Dáhánu. I say this from my own knowledge. I also draw the attention of the Commission to an answer given by the Superintendent, Revenue Survey, which has been published as Exhibit 160 of the Thána Memorial to the Viceroy. Exhibit 35 is a translation of the *yádi* containing the terms of the settlement. I produce a *tákid* (*vide* Exhibit No. 75) dated 25th may 1868 from the *mámlatdár* refusing a copy of the above-mentioned *yádi* to the petitioner. This order was issued under instructions from the Survey Commissioner. It states that the copy of the *yádi* should be refused because the Revenue Commissioner had entertained some doubts about the jungle. I produce an order issued by the Collector on 30th March 1867 in the name of a petitioner named Chinto Krishna Barve. The petitioner appears to have cut some *injáili* trees from his *málki* lands. The Assistant Collector decided that he should pay to Government Rs. 320, being the price of it. The wood was thereupon released from attachment and a *kabuláyat* was taken from the petitioner to the effect that if he failed to prove his right to the trees, he would either return the wood or pay the price. The *kabuláyat* was ultimately ordered to be cancelled by the Collector. In 1878 some thirteen *ain* trees, valued at Rs. 10 by the Forest Department, were stolen from my *málki* land; the suspected person was prosecuted but discharged. The Magistrate offered the wood to me on payment of the price according to rules. I refused the offer and claimed the wood as my *málki*, but it was sold by auction for four annas and the money was credited to Government. I produce eight orders (*vide* Exhibit No. 76) issued by the Magistrates, 2nd and 3rd Class, of Dáhánu, refusing copies of findings in cases of convictions for removal of wood from *málki* lands. The refusal is based on the order No. 190, dated 30th September 1881, from the District Magistrate of Thána, which states there is no provision either in the law or the High Court Circulars to furnish copies of findings to the prisoners. As the copies of the findings could not be had the parties could not prefer regular appeals. The copies were applied for to appeal to the High Court and to Government. They did not appeal against the orders refusing copies of findings because they were too poor. Some of the villagers in this *táluka* have proprietary fruit trees in Government waste lands. These trees were registered in Village Form No. 1, but the endorsements were subsequently cancelled. In one case, in 1882, one Moro Balvant was charged Rs. 10 for having cut fifteen fruit trees belonging to him from the waste lands of the village of Gholvad. I hand in the *taláti's* order (*vide* Exhibit No. 77) dated 10th May 1882 requiring the payment. I call attention to Exhibit No. 239 refusing permission to cut trees in *málki* numbers to build a school.

9th March 1886.

I draw attention to Exhibit No. 214 in which permission to remove wood from *málki* numbers to an inhabitant of a certain village to build his house in another village was refused as the Survey Settlement did not authorize the appropriation of wood for such a purpose.

Exhibit No. 219 in which the *mámlatdár* declined to grant permission to cut *bhendi* trees growing in a *málki* number (garden field) on the ground that he had no authority to do so and referred the petitioner to the Collector.

Exhibit No. 212, in which an occupant who had asked for general permission to cut from his holding was informed that he should obtain permission in each case according to law.

I also produce papers to show that:—

One Trimbuk Sadáshiv Joshi who holds lands in the village of Gone applied on 3rd December 1884 for permission to remove wood from his holding for building a cattle-shed in the village of Chinchni, but the application was refused after 12 months, *i.e.*, December 1885, on the ground that he did not cultivate the lands in person.

One Lakshman Rámchandra applied on 4th June 1877 for permission to remove *injáili* wood to another village for building from his *málki* numbers. On 6th July 1877 of the same year the *mámlatdár* informed him that the Collector's circular did not contain authority for the removal of such wood from one village to another, the permission was therefore refused.

On 1st January 1885, one Trimbuk Vishnu Joshi applied that the Forest Officers might be stopped from interfering under Rule 98 of the rules under Section 214 of the Land Revenue Code with the after-growth of the teak stumps in his *málki* lands in the village of Vevji in Umbargaon *peta*. He was informed by the Collector that the rule did not apply to Thána and that under Section 40 of the Land Revenue Code the teak was reserved by Government, and that also in Umbargaon *peta* all trees in occupied lands belonged to Government.

The above-named individual bought teak, *tivás* and blackwood trees in his holding in the village of Jhari in Umbargaon *peta* prior to 1873 and cleared the wood. In 1881 he applied for permission to recut the shoots, and he repeated his request several times since, but he has not yet received a final reply.

One Dáji Rávji who had bought teak in his *málki* number in Nágjhari, *táluka* Dáhánu, wanted to cut the after-growth and asked for permission on 5th March 1885, but he has not obtained it yet. I am informed that the case has been referred to the ranger and the Conservator of Forests has asked to supply him with information as to the number of trees standing in the number, their age, &c.

Exhibit No. 204, in which permission to cut teak trees which obstructed cultivation in an occupied number was refused by the *mahálkari* under instructions from the Divisional Forest Officer.

Eight or nine years ago, I applied to the Collector to let me know if I would be entitled to the teak trees grown by me on my occupied lands. The Collector informed me through the *mámlatdár* that he declined to answer the queston.

Many persons have been punished criminally in this *táluka* for cutting trees in their *málki* numbers. The following are some of the instances:—

Five or six years ago, one Máhádya Kulya Thápad of Kainád was punished to suffer twenty days' imprisonment for cutting *injáili* wood from his number.

Four years ago, one Govind Lálya-Dasvant was sentenced to fifteen days' imprisonment for a similar offence.

Four years ago, one Makan Chavan of Kainád was sentenced to twenty days' imprisonment for cutting a teak tree from his field. Five or six years ago, Pándya Válya Dhodya of Kankrádi was sentenced to pay a fine of Rs. 10 for cutting a tamarind tree from within his compound.

Five years ago, Radya Máchi of Saráwli was sentenced for cutting tamarind trees from his occupied lands.

Four years ago, Chandarmal Umedmal of Dahánu was made to pay Rs. 1-9-0 for cutting a silk-cotton tree from his compound.

About six years ago, Mr. Winter, Assistant Collector, got two persons of Bada-pokhran punished criminally for their having cut and removed *bhendi* trees from their compounds.

About six years ago, Jagu Dharma of Chinchni was fined Rs. 15 for cutting a tree from his garden, but the fine was subsequently remitted by Government on the recommendation of Mr. Loch.

About 1880 or 1881, I and my brother caused some *injáili* trees to be cut from our occupied lands for a *mándav* for cattle in the village of Váki without permission. Mr. Mulock sent for us when he had encamped at Malyán and informed us that he had given orders to the *mámlatdár* to proceed against my brother, but that if he stated in writing that the right to trees in occupied lands vested in Government the matter would be allowed to drop. My brother accordingly made the required statement before the *mámlatdár* and he was not proceeded against. I think the price of the wood was recovered from us.

About six or seven years ago, one Amba Ghátin of Dáhánu cut under permission some wood from her *málki* field in the village of Ambesari for building a house in Sávta. As she could not use up all the wood for building and she was not to sell it, she had stored it in her house. It was attached about two years ago by the *mámlatdár*, and it was finally decided last year that as the wood in its decayed state was not fit for building it might be used up for fuel. If the wood had been allowed to be sold in the first instance it would have fetched some price.

I know difficulties occur in procuring wood for cremation owing to forest restrictions. The people experienced the greatest difficulty in this matter in 1882. In one case a man had to pull down a part of his house to burn a dead body, and in three other instances within my knowledge people had to bury dead bodies for want of fuel.

It appears from certain notifications shown to the Commission that the Imperial forests in this *táluka* were first demarcated in 1849; there has been no demarcation since, but the people of the *táluka* apprehend much inconvenience if the forest lands of the *táluka* were demarcated on the same lines as in the neighbouring *tálukas*, namely, Máhím and Bassein.

10th March 1886.

I put in three other papers regarding restrictions placed in later years on the removal of wood from *málki* land:—

1. Order dated 19th January 1883 from the *mahálkari* of Umbargaon informing one Vásudeo Náráyan that permission to cut certain tamarind and banyan trees from his *málki* lands could not be given and that he should buy wood from the depôts that were being established or from the wood contractors. This order is based on the Collector's order dated 18th November 1882.

2. Order dated 9th January 1883 refusing permission to one Ismáel Daud of Sanján to cut wood from his occupied lands for building his house and cattle-shed and informing him that he might buy the necessary material from the depôts that would be established. This order, which was issued by the *mahálkari* of Umbargaon, is based on Collector's order dated 16th November 1882.

3. In March 1883 one Tribhuvanshankar of Chinchni who holds lands in the village of Khunavde in the Máhím *táluka* asked for permission to remove twenty-five cart-loads of dead-wood from his lands in Máhím to Chinchni. The request was refused by the *mámlatdár* under Circular Order No. 85, dated 22nd March 1883, on the ground that he had no authority to permit *sutidárs* to remove wood to places outside the *táluka*. Chinchni and Khunavde both were formerly included in the Sanján *táluka* and were settled at the same time.

I put in the following papers to show that before the present restrictions were imposed, people were freely allowed timber and fuel gratis.

Mámatdár's:—

1. Order dated 11th March 1882 authorising one Hari Rám Sáve, *pátil* of Chinchni, to remove from the Government forests sixty-two carts of timber, &c., for building.
2. Order dated 24th March 1862 allowing twenty cart-loads of fuel and *jhitás* from the forests by one Makund Váman Sáve.
3. Order dated 3rd May 1871 allowing one Abáji Pátil of Badá-pokhran to take three cart-loads of *jhitás* and bamboos from the forests.
4. Order dated 3rd October 1874 allowing Rs. 20 worth wood to one Nárya Nán of Masoli for building.

5 and 6. Copies of terms of contracts for removal of wood in 1852 and 1856. (*vide* Exhibit Nos. 78 and 79).

I put in the following papers to show that applications for wood are not now complied with as freely as before:—

1. Certain inhabitants of Khatalváda whose houses had been destroyed by fire asked for free grant of wood for building, but their request was refused in 1882.

2. 2nd. The inhabitants for Máhálakshmi in Vivalvedhe were in the habit of erecting *mándavs* for pilgrims. Formerely nothing was charged for the materials used; latterly the pilgrims who use the *mándavs* are charged fees by the Forest Department according to their size in addition to what they have to pay to those who put them up. I produce two receipts to show that four and eight annas respectively were charged as fees. The materials for the *mándavs* are taken from the Government forest and *málki* and *inám* lands. The materials of the *mándavs* are sold by auction by the Forest Department after the fair is over. I hand in a copy of a petition dated 19th March 1883, addressed by the people to the Collector.

3 to 5. Three cases in which the Forest Department refused to comply with the petitioners' request to cut selected teak trees from Government forests.

Depôts were established on the lines of Railway and maintained for two years. In Dáhánu *táluka* such depôts were kept at Malyán, Vángaon, Gholvad and Savta only. In the first year, some wood that was found suitable was bought by the people, but in the second year little or nothing was bought and the refuse material had to be disposed of by auction. Some *táhál* and *jhitás* were kept for sale, but they were not found useful by the people. Some of the eastern villages are nearly forty miles distant from the places where the depôts were kept. It was impossible for the residents of inland villages to resort to the depôts.

Prior to October 1882, the people were allowed to remove materials from their *málki* lands and Government forests without passes. On 13th October 1882 a notification was issued stopping removal of all such materials without passes, but no arrangements were then made to issue the passes. This caused great inconvenience to the people for a couple of months. The people are now required to obtain the passes for (1) removal of material from *málki* lands to other villages, (2) removal of such materials from the Government forests as are generally exempt from fees or as have been specially exempted, and (3) removal of material on payment of prescribed fees. In all these three cases, the people have to suffer annoyance on account of the delay that takes place in issuing the passes and also in examining the wood at the *nákás*. Every *náka* is supplied with instructions and illustrations as to what the different kinds of materials covered by permits are. The *náka kárkuns* and peons often annoy the people by arguing that particular materials do not tally with the description of it given in their instructions. Last month five carts loaded with bamboo *jhitás* belonging to me were detained at the *náka* for six hours on the plea that the material removed was bamboos and not *jhitás* and I had to send a special man to get them to the village. I did not go to the *náka* myself. I do not know from what species of bamboos the *jhitás* were collected.

By the Commission.

I was present at the survey settlement which took place at Dáhánu. I was not present when the *jamábandi* commenced. I went with many other people towards the end. I cannot say whether any *khátás* were read out or who read them. Nothing was said about the

trees in occupied lands while I was there. I have asked (obtained permission) from two to four times for permission to cut timber from my *málki* lands for building purposes. I do not recollect of any such permission having been refused. If a Hindu in whose caste cremation is compulsory had to choose between using firewood stacked for home consumption or wood belonging to a house or shed for purposes of cremation and bury the corpse, he would choose the former alternative. I am not aware of any instances in which occupants who have given or sold wood for cremation purposes from their lands having been punished or subjected to any annoyance for their having broken the rule. When I was called by the Collector about the cutting of the *bhendi* trees to Malyán and told that proceedings would be stopped if my brother wrote a declaration respecting the right of Government to trees in occupied lands, my brother was not present, nor was I present when he made his statement before the *mámlatdár*. I do not know the contents of what he stated. Our lands are entered differently in the names of myself and my two brothers. I cannot say from what particular lands the trees were cut. I do not know why my brother alone was asked to make the statement. No complaint was lodged or summons issued in the name of my brother. I have no personal knowledge of the circumstances of the various cases which I have brought forward of persons having been prosecuted for cutting trees in *málki* numbers, nor have I any knowledge of the circumstances under which permission to cut trees from occupied numbers has been refused in the instances quoted beyond what is stated in the papers themselves.

Witness No. 46—(Da'ha'nu *Táluka*).

11th March 1886.

Chamarya bin Jogia a Dubla, labourer, aged 50, residing at Vevji, stated in reply to questions

By the Secretary, Thána Forest Association,

I live upon labour, chiefly agricultural. I came to Dáhánu two years ago. I get three annas a day as wages. When I was at Vevji I got generally one *páili* of paddy which was worth 1½ annas per day. I never buy fuel. I pick it up here and there. Dubla women generally do domestic labour, such as grinding, &c., and earn about from eight to twelve annas worth of grain per month. Some few Dublas who have bullocks and carts cultivate lands. The Dublas do not fetch head-loads of wood for sale nor tap toddy palms. They drink toddy.

Witness No. 47—(Da'ha'nu *Táluka*).

11th March 1886.

Jagu Govind Pa'til, a Kunbi, Police *pátil* of Masoli, aged 35, residing at Masoli, stated in his examination

By the Commission,

I am *vatandar pátil* of Masoli and Kankrádi. I hold twelve acres of service and eight acres of *suti* land in Masoli. The total *kharíf* area of the village is 227 acres; the allotted *varkas* is 266 acres. There are 145 houses with 702 population, seventy-five ploughs and 242 head of cattle. Five to six hundred *ráb* beds are burnt every year in my village. About 300 of them are burnt with cow-dung and grass and the remainder with *táhál*. We bring cow-dung from the neighbouring villages by carts. Some villages are ten to twelve miles distant. Three men accompany a cart and the trip takes generally three days, but if the carts are interfered with by the villagers, &c., it takes four or five days. The villagers from whose limits the cow-dung is picked up protest and quarrel with the cartmen, especially the Pársi land-holders harass them most by detaining them, making them work and depriving them of the cow-dung. If the cow-dung is picked up in the Javhár State we have to pay four annas as export duty per cart; but if the cart passes through the State, one anna transit duty is levied. The Javhár villagers also take objection to our removing the cow-dung from their lands. Besides the regular duty levied for the State, the *náka kárkun* exacts one-half anna per cart as his *dasturi*, exaction, and the peon who clips the pass has to be paid ¼th of an anna as *post* or present money. We get sufficient cow-dung from the village cattle to burn about 100 *ráb* beds; for the remaining 200 beds, the cow-dung has to be brought from outside. Of my twenty acres of holding eight acres are *kharíf* and two acres are under *varkas* cultivation. I keep thirty head of cattle. The droppings of these cattle for eight months are generally collected and used for *ráb*. In the monsoon I keep only the plough cattle (8) in the village, and their droppings are collected and stored in a pit. I think I get thirty to forty cart-loads of cow-dung from my cattle, and I bring about fifty cart-loads from other villages. With this I burn about twenty-six *ráb* beds. I have also to prepare six more beds which are burnt with *táhál*. At the time of the survey I had 100 head of cattle and there were upwards of a thousand cattle in the village of Masoli. We were not then required to go to other villages for cow-dung, and *táhál* was also more sparingly used. Most of the *ráb* beds were then burnt with cow-dung. The reduction of the cattle in later years is due to contraction of grazing area on account of breaking up land for cultivation at the survey and stricter forest conservancy. Masoli has

only eight acres of free grazing. Our village cattle therefore formerly grazed in the lands of Malyán, Sarávli, Kankrádi and Kainád. In these latter villages even the forest area was open to grazing. We are still allowed to take our cattle in the *gurcharans* of these villages but are prevented from taking them to the forests, the grazing in which is sold by contract. The grass grown in the forests is fit for grazing but not for export. The pesent restrictions on grazing were placed six or seven years ago. The cattle in other villages have also decreased. It is customary for the cultivators of other villages also to go in search of cowdung in the neighbouring villages. The cultivators of *ránpatti* villages, who are mostly Várlis, generally burn their seed-beds with *táhál* and are indifferent about cow-dung, the inhabitants of coast villages therefore go and fetch that cow-dung for their use. My experience is that the supply of cow-dung is getting less and less every year, and I apprehend that in future years the supply of cow-dung from outside villages may be cut off altogether; as between cow-dung and *táhál* the former is preferred as *ráb* material. The best *táhál* is of *ain* and teak. If the cow-dung-supply is diminished, the deficiency cannot be made up by *táhál*, as the latter also can be had only in a limited quantity. Up till seven or eight years ago, fuel was freely permitted to be removed from the forests of Kainád and Sarávli and we had no occasion to use cowdung for fuel, but since the imposition of the forest restrictions, the people use part of their cowdung as fuel. This proportionately reduces their supply of *ráb*. If free grazing and free fuel were allowed, the number of cattle would increase and with that the supply of cow-dung for *ráb*. We would prefer to get our *ráb* material by thus increasing the cow-dung-supply than by obtaining loppings from the forests. We only lop trees for *táhál* every third year. We use all the *táhál* that we can get from our *varkas*. We formerly used to get *táhál* from Kainád, Kankrádi, Malyán and Saravli. There was no individual *vahivát*, but people got what they could from the *gurcharans* and *málki* numbers. The holders of the *málki* numbers did not object. The leading shoots of promising trees are carefully preserved, but old and stunted trees are lopped wholesale. As a rule the leading shoot is cut; it is seldom left uncut. The allotted *varkas* yields but a small supply of fuel. We get it by purchasing head-loads and from the regular felling at so much a cart. No grass is exported to Bombay from my village. Much grass is exported from the neighbouring villages—I presume from *málki* numbers. There is no grass in the forest fit for export. The cattle have begun to decrease ten or twelve years ago. The export of grass commenced only three or four years ago. This export is an additional reason for the decrease in cattle that is going on year after year. None of my villagers sell grass to the Bombay traders. The Malyán people do sell grass. The price of grass has increased. For what I had to pay four to six annas I have now to pay twelve annas to a rupee. The villagers of Kainád and Saravli sell grass to a large extent. Kankrádi people only sell occasionally.

Witness No. 48—(Dáhánu *Táluka*).

21st May 1886.

Answers to written questions forwarded by the Forest Commission to Mr. Vina'yek Jagganna'th, Officiating Mámlatdár of Dáhánu.

Q. 1.—When was the revenue settlement introduced in the different villages of your *táluka?*

A.—In the eight villages of Umbargaon *peta, viz.*, Chikhale, Kainád, Chimbve, Gholvad, Bordi, A'sváł, Jalvai and Khunavde, which were tranferred to the *subha* division on 1st August 1866, the Survey Settlement was introduced in 1863-64. In the 58 villages of the *táluka* proper, the Survey was introduced in 1866-67, but the *varkas* land in 28 of these villages was broken up in 1867-68; in the remaining 67 *rán patti* villages the Survey Settlement was introduced in 1868-69.

Q. 2.—How was the *varkas* land treated at the time?

A.—Before the Survey no *varkas* land in people's *vahivát* was measured nor was any assessment levied on it. People cut *táhál* and grass for their rice cultivation and also cultivated in their *vahivát varkas* without paying for it. At the Survey such of the *varkas* land as was used by the people for cutting *táhál* and grass was measured off and entered in the names of the several individuals. The rest was broken into numbers and set apart for Government forest and other purposes.

Q. 3.—Were all the lands in which people habitually cut *táhál* measured off and included in occupied numbers?

A.—It cannot be said that all the *shindád* land was measured and included in *málki* numbers. Some portion of it was entered in the names of individuals and some was set apart for Government forest and *gurcharans*. In the year 1867-68 petitions were made by several persons to the *mámlatdár* and the Superintendent of Survey complaining of the inclusion of their *varkas* lands into *gurcharans*. The correspondence which ensued thereon ended in the rejection of the petitions in 1877-78. The grounds which were given for the rejection of the petitions were merely that the petitioners stole away grass from the Government lands in dispute when they were not properly guarded, that no assessment had at any time been levied on account of such lands from the petitioners, and that if the lands had really been in their *vahivát* they would have pointed them out to the survey officers at the time of the survey, but this they failed to do. It was also added that if oral evi-

dence was to be relied on in such cases, such complaints would never end. Petitions have lately been received from the inhabitants of the villages of Gadchinchle, Divsi, Dábhádi, Kinavli and Vehelpáda, praying that they might be allowed to cultivate and lop *táhál* in the lands in their *vahivát* which were included in Government numbers. These petitions have become the subject of a correspondence which has not yet been disposed of.

Q. 4.—What *sherás* were written opposite the waste lands of the village?

A.—The *sherás* enumerated below are found in the survey *suds* opposite the unassessed waste numbers:—

1. *Rán rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the jungle.
2. *Gurcharnikade mophat.* For free grazing.
3. *Rán rakshanákade.* For forest preservation.
4. *Ságvánákade jangalche sanrakshan karáve.* For teak forest, the jungle to be preserved.
5. *Gurcharnikade.* For grazing.
6. *Ságvánákade.* For teak forest.
7. *Phárishtáchi nivad jályávar báki ekar gáo bhágákade ráhun gurcharnis mophat thevila áhe.* After the demarcation of the forest the remaining acres to be village forest and free grazing.
8. *Rán rakshan karun gure chárávi.* Cattle to be grazed, preserving the jungle.
9. *Gávbhág va gure mophat chárávi.* Village forest and cattle to be grazed free.
10. *Gurcharan va gávbhágákade.* For grazing and village forest.
11. *Gávbhágákade theun gure mophat chárávi.* Set apart for village forest, cattle to be grazed free.
12. *Sarkári ránáche sanrakshan karun gure chárávi.* Cattle to be grazed, preserving the Government forest.
13. *Phárishtákade.* For forest.
14. *Sarkári ránákade.* For Government forest.
15. *Ránákade.* For jungle.
16. *Gávchi gure chárun ránáche rakshan karáve.* Village cattle to be grazed, preserving the forest.
17. *Gure chárun ránáche rakshan karáve.* Cattle to be grazed, preserving forest.
18. *Binkhapácha.* Land not appropriated for *ráb* or any other special purpose.
19. *Gávche ránákade.* For village forest.
20. *Gávbhágákade.* For village forest.

Q. 5.—Have they since been altered?

A.—As a rule no alterations have been made in these *sherás*. In one or two villages portions of the land which were included in unassessed waste numbers were, at the request of some claimants, given over to them on payment of certain fixed price for occupancy right. This has affected the area of the numbers but no change is made in the *sherás*.

Q. 6.—Do the people claim any *málki* trees in the waste lands of the village?

A.—The people say that they have right to cut *táhál* and grass in the *varkas* lands which were included in the unassessed survey numbers, and they have been acting up to their *vahivát* till now.

Q. 7.—What record has been made about such claims?

A.—No record regarding such claims is forthcoming.

Q. 8.—Have there been any alterations in such record?

A.—As no record can be traced nothing can be said about alterations if there have been any.

Q. 9.—Give the history of trees in occupied numbers?

A.—I mean by *málki* numbers those numbers which were entered in the names of individuals at the survey. The registered occupants of the land, and the vendees or other persons to whom the same may have been transferred, consider themselves to be the sole proprietors both of land and trees. The occupant is allowed to lop *táhál* and to cut wood for fuel, &c., of trees in the *varkas* land except teak, blackwood and *tivas* to meet his agricultural and domestic wants, but not for trade. The occupants were given to understand this at the survey settlement. Copy of the *yádi* (*vide* Exhibit No. 80), received under the signature of the Superintendent of Revenue Survey in the matter, and copy of the Collector's Outward No. 1, dated 27th August 1870, issued in compliance with Government Resolution No. 2775, dated 11th June 1870, are appended. In the 4th paragraph of the order it is written that in the *subha* division of the *táluka* the occupants of *málki* numbers have no right over teak and blackwood, but they have been allowed thereunder to cut all the remaining trees in their holdings for domestic and agricultural purposes,

but not for trade. Several orders have been issued from time to time to the effect that permission should be obtained to cut wood until the rules in this behalf are sanctioned by Government. Rules which were made under Section 75 of the Indian Forest Act VII. of 1878 and Section 44 of the Bombay Land Revenue Code were published in Notification No. 8124, dated 15th October 1884, and sanctioned by Government in their Resolution No. 2002, dated 9th January 1885. Under these rules the *mámlatdárs* are authorized to give permission to remove firewood to the extent of ten cart-loads for household purposes from *málki* numbers; and when firewood in excess of ten cart-loads and wood for building houses are required, such wood, excepting of course teak, blackwood and *tivas*, is allowed to be removed under the orders of the Assistant Collector in charge of the *táluka*, on application being made to him and on his being satisfied after enquiry that the same is really needed. Under Government Resolution No. 2345, dated 25th March 1886, Ellis' rules are made applicable to trees in *málki* numbers in the eight Umbargaon villages which will hereafter be dealt with accordingly.

Q. 10.—Do you think the State interference in the tree-growth of *málki* numbers should cease?

A.—Teak, blackwood and *tivas* trees in *málki* numbers should be made over to the occupant on payment of a reasonable price. Though Government may prohibit altogether the cutting of wood for trade and may not allow people to cut wood without permission, still State interference should not go beyond these two points. This system of obtaining permission, however, may not be made applicable to the eight Umbargaon villages transferred to the *subha* division.

Q. 11.—Do you propose any restrictions in the way of the occupants disposing of their trees?

A.—Teak, blackwood and *tivas* trees in *málki* numbers may be sold to occupants free of all Government rights over them. Except the eight Umbargaon villages, in all the villages of the *subha* division *injáili* trees may be allowed to be cut for firewood without permission. The only restrictions I would propose are that permission should be obtained when the wood is required for building purposes and that no wood should be cut for trade. The eight Umbargaon villages should have the privilege of cutting *injáili* trees as allowed under the Government Resolution quoted in the answer to question No. 9.

Q. 12.—What proportion of the *kharíf* land in your *táluka* is cultivated with *táhál*?

A.—About three-fourths of the *kharíf* land is cultivated with *táhál ráb*.

Q. 13.—How much with cow-dung, *kuta* or fish manure?

A.—About one-fourth of the *kharíf* land is cultivated with cow-dung *ráb*; *kuta ráb* is not used in this *táluka*.

Q. 14.—How have lands with the *sherás rán rakshnákade* been treated as regards grazing?

A.—It has been customary with the people to graze village cattle in the lands with the *shera rán rakshnákade*. Of late, however, since the inclusion of such lands in Reserved forests people are prevented from grazing there by the Forest Department.

Q. 15.—Can you give any history of the old demarcation of forests in your *táluka*?

A.—Forest demarcation has not been effected in the *subha* division.

Q. 16.—Give the population of the wild tribes in the *táluka* and say to what extent they are dependent on the jungle produce for their maintenance.

A.—According to the Census of 1881, the population of the wild tribes in the *subha* division is 24,814. They eke out a living by bringing firewood, *kárvi*, leaves of *apta tembhurni* and such other trees, mangoes, *mowra* flowers and fruit, *karvand* and *jámbhul* berries, honey, creepers, tree barks and gums from the forest and selling them in town and large villages. During the monsoon those who have lands cultivate them. But the produce of the land being too scanty to last long, they have to depend much for their livelihood upon the forest produce mentioned above. Some of them live on boiled wild bulbs and roots, and some work as labourers if employed.

Q. 17.—Verify the statements as regards convictions and other documents put in by the Dáhánu witnesses as far as you can.

A.—I have verified the documents, &c., as per list forwarded to the Commission.

Q. 18.—What articles are chiefly exported to Bombay from the *táluka*? Can you give any idea as to the quantities of grass and wood (timber and fuel) exported each year from your *táluka*?

A.—From the information obtained from the *sarkárkun* of Customs for the Administration Report for 1884-85, rafters of teak, &c., of the value of Rs. 1,02,382, *injáili* timber of the value of Rs. 5,491-8-0, and *kolpát* of the value of Rs. 35,230-12-0 appear to have been exported by sea from the *subha* division. Grass and wood are also exported to Bombay and Gujarát by Railway from Gholvad, Dáhánu and Vángaon stations in the *subha*, but the quantity cannot be ascertained. Sávta is the principal bunder in the *subha* division from which wood is exported to Bombay and Gujarát.

Q. 19.—Please put in a copy of any order or orders that may have been issued by the Survey Settlement Officer containing the terms of Settlement.

A.—The documents referred to in the question have already been appended to answer to quesition No. 9.

Q. 20.—Have any cases of illicit cuttings from Government forests come before you in your magisterial and executive capacity for enquiry? If so, will you please produce the papers for perusal by the members of the Commission. If you have not got these records in your office, please give a list of them if you can that they might be sent for.

A.—The following table shows the number of cases tried during the last seven years:—

Year.	Number of Cases.	Number convicted.		Number discharged.
		Sentenced to Imprisonment.	Sentenced to Fine.	
1879	45	8	37	...
1880	53	18	34	1
1881	17	10	7	...
1882	8	6	2	...
1883	...	...	...	...
1884	7	7	...	...
1885	6	3	2	1
Total ...	136	52	82	2

The proceedings with the exception of findings have been destroyed.

Q. 21.—What measures would you recommend to ensure the co-operation of the villagers and village officers in the protection of forests? Has the present system the effect of divided responsibility and inefficiency? If you think so, what remedy would you recommend for adoption?

A.—If the inhabitants of villages were allowed to cut free wood for fuel and for building purposes in the forests of their villages, and if village officers such as *talátis*, *pátils* and Mhárs were given some extra remuneration for looking over the forests, they would be induced to co-operate in protecting the forest. At present the number of beat and round guards is large and it cannot be said that they do not oppress the rayats when they go to villages. If their services are dispensed with and the responsibility of forest conservancy placed on village officers with an extra allowance for the newly imposed duty, I think the forests will be protected more efficiently. To see that the work of forest conservancy is properly conducted by village officers a travelling inspector with some peons under him will be sufficient in each *táluka*. Some temporary establishment might be entertained when forest cuttings are in operation. All the work in connection with forest matters should be conducted through the Revenue Department. If this proposal were carried out the two departments would be combined together and there would be no room for the people to complain about the oppression of the Forest Department. This change is proposed with a view to placing, for efficient management, the direct supervision of revenue officers over Forest Department.

Q. 22.—Has the *táluka* been denuded of its forests during the past twenty years? If so, state the causes that led to the denudation?

A.—It appears from the information obtained through local enquiry that there was considerable forest twenty years ago. During the last twenty years much of the forest has been cut. One of the causes which led to the denudation is the way in which wood is removed from Government forest. Wood is generally removed either under the tender system or under the *náka* system by which sometimes people are allowed to bring wood on payment of certain fees at *nákas* established for the purpose. The tenderers and other persons remove as much wood as they can. Another reason is that when the Rája of Jávhár State, which is conterminous with the *táluka*, sells the right of removing wood from his forest to contractors, the contractors under the passes granted by the Rája remove wood from the adjoining forest of the *táluka*. To prevent unauthorized cutting and smuggling of wood, traders should not be allowed to enter forest; but wood should be departmentally cut and brought to a bunder or a railway station where it may be sold to them by auction.

Q. 23.—There is a general belief that the number of cattle has greatly decreased in these parts during the past twenty years. Do you share that belief irrespective of what the village *patraks* show? If you do, how do you account for the striking discrepancy between the two?

A.—I share the belief that the number of cattle has decreased during the last twenty years. Cattle generally die from epidemics. Some, however, might have died from want of fodder. Before the Survey, as they could graze anywhere, they grew strong and the charges of their feed were small. But since the survey the grass lands have been broken into *málki* numbers and separate lands have been assigned for grazing. In these limited grazing lands cattle do not get sufficient fodder. Since the opening of the railway much grass is exported to Bombay and its price has risen high. People cannot afford to purchase grass at such a high price for their cattle.

Q. 24.—Can you say that a larger area of *ráb* plots was formerly burned with cow-dung than is now the case? If so, how do you account for it?

A.—Formerly as the number of cattle was larger than what is now, people got much cow-dung and so they could utilize cow-dung for *ráb* to a large extent; but now as the number of cattle has decreased and the quantity of droppings lessened, people prepare cow-dung *ráb* to a smaller extent.

WITNESS No. 49—(DA'HA'NU *Táluka*).

19th May 1886.

Answers to written questions forwarded to MR. BA'LKRISHNA MA'HA'DEV CHITALE, *mahálkari* of Umbargaon, by the Forest Commission.

Q. 1.—When was the Revenue Settlement introduced in the different villages of your *peta?*

A.—The Survey Settlement was introduced in 61 villages of this *peta* in the year 1863-64 and in 18 villages transferred from the *subha* in 1865-66. In this *peta* there are 79 villages.

Q. 2.—How was the *varkas* land treated at the time?

A.—Some of the *varkas* waste land was, before the Survey, unassessed and considered to form a part of the assessed holdings. At the time of the survey settlement most of the *varkas* land lying waste was offered to the villagers on a very moderate assessment and was then taken up by them with great reluctance. After this offer, there remained still a good deal of land available for cultivation in the forest villages. This waste land was subsequently notified as Reserved and Protected forest in 1879.

Q. 3.—Were all the lands in which people habitually cut *táhál* measured off and included in occupied numbers?

A.—About one-third of the lands in which people were habitually cutting *táhál* was measured off and included in occupied numbers of the *kháteddrs* who were willing to pay the nominal assessment on those lands. People were not then willing to take up all the lands that were then offered to them by the Survey Department for the fear of paying assessment.

Q. 4.—What *sherás* were written opposite the waste lands of the village?

A.—Before the survey no *sherás* where written opposite the waste lands of the village, but at the Survey no *sherás* were written opposite the assessed waste lands; the following *sherás* were written opposite the unassessed waste lands of the village:—*Gurcharan* (grazing), *rán rakshan karun gure mophat chárávi* (cattle to be grazed free, preserving the jungle), *jangalákade* (for jungle), *kháján* (marsh), &c.

Q. 5.—Have they since been altered?

A.—These *sherás* have not since the survey been altered in the village register called *shetvár patrak.* But the grazing privilege in the lands notified as Reserved forest in 1879 vas altogether stopped, and some restrictions were imposed on the removal of *táhál ráb* from the lands notified as Protected forest in 1879. The *sherás,* however, in the survey register are not altered. These alterations will probably be made when the Forest Settlement of the lands notified will be completed in this *peta.*

Q. 6.—Do the people claim any *málki* trees in the waste lands of the village?

A.—Few people claim *málki* trees in waste lands of the village.

Q. 7.—What record has been made of such claim?

A.—No record has been made of such claim either in the village register or any other village papers.

Q. 8.—Have there been any alterations in such record?

A.—As there appears no record, no alteration appears to have been made in such record

Q. 9.—Give the history of trees in occupied numbers.

A.—In occupied numbers the following kinds of trees are always to be found, *i.e.,* teak, *ain, khair,* mango, *jámbhul, hedu, kákad* and *shemat.* Out of these, all except *kákad, shemat* and mango trees are used for building purposes, and their small branches and twigs are used for *táhál, ráb* and fuel. Besides the trees mentioned above the following trees are

found of rare growth in the occupied numbers: *palas, shevri, bonda, nána, dhávda, avli, tivas, mowra, kinai, tamarind* and *asanis*. Out of this lot only *mowra, tivas* and *kinai* are used for building purposes and the remaining kinds both for fuel and *ráb*.

Teak grows to any amount in nearly all the villages of the *peta* with the exception of some villages on the sea-coast. Villagers, as a rule, take care of all big trees useful for timber in their occupied numbers and generally they do not fell other kinds of trees for fuel; but frequently they cut their branches for *táhál ráb* and thus make them quite naked leaving only a crest above.

Q. 10.—Do you think the State interference in the tree-growth of *málki* numbers should cease?

A.—I do not think that the State interference in the tree-growth of *málki* numbers should altogether cease.

Q. 11.—Do you propose any restrictions in the way of the occupants disposing of their trees?

A.—I propose the following restrictions on the way of the occupants disposing of their trees:—

1. The occupants should not generally be allowed to sell trees in their *málki* numbers except for building purposes.
2. When the occupant wishes to fell any tree for his own purpose or for selling it to any body for building purposes, he should pass an agreement before the village officer to be forwarded to the *mahálkari* of the *peta*, that he would plant one or two trees instead of the one that is to be cut down. The village officer is to see first that a tree or trees planted would live and not die within a year or so, and then grant permission to fell a tree useful for timber. (This provision should specially be made applicable in the villages lying within six miles from the sea-coast.)
3. No trees useful for building purposes, excepting teak in *málki* numbers which will hereafter be excluded from the forest at the time of the forest demarcation of the villages in this *peta*, be allowed to be cut down for being sent out of the *peta* for trade without the written permission of the *mahálkari* of the *peta*.

No restrictions however should be kept for lopping any tree for *táhál ráb* and fuel and agricultural purposes. I exclude teak only in *málki* lands not proposed to be included in forests, because when it is cut it gives fresh growth and the cutting does not stop the future growth. Such is not however the case with regard to the other kinds of trees useful for timber.

Seeing the vigorous growth of teak in this *peta* I think that the existing teak trees in *málki* numbers not proposed to be included in forest at the time of demarcation may be sold to the occupants of the numbers at a nominal price with a view to encourage the occupants to plant fresh teak in their *málki* hilly lands in their holdings. Thus they would improve their property and be thankful to the State.

Q. 12.—What proportion of the *kharíf* land in your *peta* is cultivated with *táhál ráb*?

A.—About one-half of the *kharíf* land is cultivated with *táhál ráb*.

Q. 13.—How much with cow-dung, *kuta* or fish manure?

A.—Out of the remaining one-half more than three-fourths of *kharíf* land is cultivated with cow-dung and grass manure, and less than one-fourth with *kuta* or fish manure. Practically the *kharíf* cultivation with *kuta* or fish manure is very limited in this *peta*.

Q. 14.—How have lands with the *sherás rán rakshnákade* been treated as regards grazing?

A.—Before the lands with the *sherás rán rakshnákade* were notified as forests in 1879 no prohibition was made as regards grazing. Since the notification of 1879 people have been forbidden to graze their cattle in the *Reserved forest*. But at the time of the setllement of these lands the Forest Settlement Officer will see whether it is necessary to grant any privilege as regards grazing in a certain portion of the reserved forest.

Seeing the nature of the lands in this *peta* and a good deal of waste lands notified as Protected forest in which grazing is allowed free without any restriction, I am of opinion that there is no hardship to the people as regards grazing to their cattle. I have seen the greater portion of this *peta* and have come to the conclusion that if the present number 23,000 of cattle in this *peta* be doubled or trebled after certain years, the present unculturable and unassessed waste land in the *peta, i. e.*, 63,000 acres, would be quite enough to provide the grazing of the cattle.

Q. 15.—Can you give any history of the old demarcation of forests in your *peta*?

A.—I cannot give the history of the old demarcation of forests in this *peta*. I have asked for this information to the Range Forest Officer, Umbargaon, who was not good enough to supply it to me on the authority of some departmental orders passed by the District Forest Officer, Thána.

Q. 16.—Give the population of the wild tribes in the *peta* and say to what extent they are dependent on the jungle produce for their maintenance?

A.—The wild tribes of this *peta* consist of the following castes:—

As per Census of 1881.

Castes.	Population.
Várlis...	20,211
Kolis	122
Kátkaris	63
Dublas	6,707
Dhedas	3,096
Dhodyas	5,263
Koknis	782
Total ...	36,244

The whole population of the *peta* is 54,000. About one-half, *i.e.*, 27,000, of the population is, I think, dependent on forest produce for their maintenance. From enquiries made with these people I learn that from October to February, *i.e.*, five months in a year, they get generally inferior grain, *harik* (called *kodra* in this *peta*) and *nágli*. Out of the remaining seven months, they depend solely on roots and stems, forest produce, *i.e.*, fuel, *apta* and *tembhurni* leaves and also *palas* leaves which they bring to the market on sea-coast villages. In July, August and September they get employment as labourers to serve in the fields of their *sávkárs*, *i.e.*, Pársis, Bráhmans and Vánis, who have in this *peta* come and every year are becoming the registered occupants of the lands, especially in forest villages.

Q. 17.—Verify the statements as regards convictions and other documents put in by the Umbargaon witnesses as far as you can?

A.—The statements as regards convictions and other documents put in by the Umbargaon witnesses are verified as far as possible as per accompanying list.

Q. 18.—What articles are chiefly exported to Bombay from the *peta*? Can you give any idea as to the quantities of grass and wood (timber and fuel) exported each year from your *peta*?

A.—Paddy, grass and wood (timber and fuel) are the chief exports from the *peta*. Grass is exported to Bombay by railway from Bhilád and Sanján stations. Grass worth about Rs. 5,000 is exported every year. Wood worth about Rs. 20,000 is sold and exported every year, greatly to Gujarát and Bombay by sea and very scarcely by railway.

Q. 19.—Please put in a copy of any order or orders that may have been issued by the Survey Settlement Officer containing the terms of Settlement.

A.—Copy of the order (*vide* Exhibit No. 80) issued by the Survey Settlement Officer in 1866 containing the terms of the Settlement as regards 18 villages that were transferred from the *subha* to this *peta*, is herewith submitted. Order as regards 61 villages of this *peta* is not traceable on my record, nor on the record of the Dáhánu *mámlatdár*.

Q. 20.—Have any cases of illicit cuttings from Government forests come before you in your magisterial and executive capacity for enquiry? If so, will you, please, produce the papers for perusal by the members of the Commission. If you have not got these records in your office, please give a list of them if you can, that they might be sent for.

A.—Since the introduction of the Forest Act in 1879 to the end of 1885, 76 cases were tried. The following table will show the number of cases tried in each year and the order passed therein:—

Year.	Convicted.	Discharged.	Total.
1879...	16	7	23
1880...	11	8	19
1881...	10	3	13
1882...	9	3	12
1883...	1	...	1
1884...	3	...	3
1885...	5	...	5
Total ...	55	21	76

These cases are on the record of this office.

In the executive capacity last year only about six cases came before my predecessor for enquiry and they were afterwards disposed of by the Assistant Collector in charge of the *táluka*. These cases may be found in the First Assistant Collector's office.

Q. 21.—What measures would you recommend to ensure the co-operation of the villagers and village officers in the protection of forests? Has the present system the effect of divided responsibility and inefficiency? If you think so, what remedy would you recommend for adoption?

A.—In order to ensure the co-operation of the villagers and village officers in the protection of forests, I propose that the villagers should be made clearly to understand by a proclamation or otherwise that the provisions contained in Section 78 of the Forest Act VII. of 1878 would strictly be enforced in case they failed to assist the village officers in the protection of forests in their village. I am strongly of opinion that the villagers are not yet aware of the fact that it is their duty to assist the village officers, *i.e.*, the Police *pátil* and the Forest or Police officers in the protection of forests. The present system of protection has the effect of divided responsibility and inefficiency. The management and protection of forests should I think be entrusted to the village officers, *i.e.*, *pátil*, *taláti* and Mhárs, and they should be given remuneration on a fixed scale on the area of forests to be protected in a village. These village officers should be assisted as regards forest protection by the villagers who are to enjoy certain privileges in the forests. In case they fail to assist they should not be allowed to enjoy the privileges granted to them by Government. In order to ensure the co-operation of the villagers and village officers very poor people must be granted free timber from Government forests for building and agricultural purposes, and on payment of a very moderate fee *bonâ fide* cultivators should be allowed to take away timber for building their houses and repairing their agricultural implements.

Q. 22.—Has the *peta* been denuded of its forests during the past twenty years or so? If so, state the causes that led to the denudation.

A.—Seeing personally the nature of forests in this *peta*, I am of opinion that the *peta* has not been denuded of its forests during the past twenty years.

Q. 23.—There is a general belief that the number of cattle has greatly decreased in these parts during the past twenty years. Do you share that belief irrespective of what the village *patraks* show? If you do, how do you account for the striking discrepancy between the two?

A.—I do not think that the number of cattle has greatly decreased in this *peta* during the past twenty years. On the contrary I am of opinion that there may be little increase, as I find the greater portion of waste land is now put under cultivation and now and then we receive applications for the cultivation of waste lands in the villages. I find the Pársis and Bráhmans are extending their cultivation by giving their lands on annual leases to the wild tribes of the *peta*. As the cultivation has greatly increased I do not think the number of cattle is decreased.

Q. 24.—Can you say that a larger area of *rán* plots was formerly burned with cow-dung than is now the case? If so, how do you account for it?

A.—I do not think that a larger area of *rán* plots was formerly burned with cow-dung than is now the case as there was too much *rán* available for the purpose of burning their fields.

Witness No. 50—(Ma'hi'm *Táluka*).

11th March 1886.

Rajya bin Ma'ha'dya, a Koli, cultivator, aged 40, residing at Devkhop, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold three acres of rice and six acres of *varkas* as service land. I pay Rs. 7-8-0 as quit-rent to Government. Devkhop is a forest village with extensive jungle. My *varkas* land is fairly covered with trees, such as *khair, ain, hedu, kalam*, &c. I do not grow any hill grain. The *táhál* obtainable from my *varkas* is not sufficient for my rice cultivation. I supplement it from the Government land. I prepare my seed-beds in the rice land. I have my individual *vahivát* in the Government land from which I get my *táhál*. Other people also hold their pieces in severalty. I cut my *táhál* in rotation every alternate year. Cultivators of other villages do not take *táhál* from Devkhop. The people of Máhím, Shirgaon, Tembhode, Pálghar, Morekuran, Dápoli, Kolgaon, Nandore, Kumbholi and Kolavde take from our forest fuel, *bundhis, kárvi* and *jhitás*. As the green wood is not allowed to be cut, our supply of dead wood is diminished by the outsiders removing the same. They remove the dead wood by carts on payments of fees to Government. The same is the case with regard to *kárvi, bundhis* and *jhitás*. Head-loads of fuel are allowed to be removed free even for sale. Head-loads are generally taken to Máhím, Shirgaon and Sátpáti. Kolis and Várlis are the carriers. A head-load fetches from one anna and a half to two annas. The head-loads are taken for sale whenever we can afford to be away from the agricultural work. Thus we can make three or four trips in a month. Women as well as men carry the head-loads. All the Kolis and Várlis of Devkhop cultivate lands as tenants of land-holders who generally reside in Máhím. When the Pándharpeshás of Máhím have to remove fuel, *bundhis, kárvi* and

jhitás from our village forest they generally employ us (Kolis and Várlis) to collect the material, and we are paid at certain fixed rates. Our wages vary from one to three annas. These materials are collected from March to May. In September last Government caused some teak to be felled in Devkhop. The work lasted for four weeks. We, as well as the people of other villages, were employed on the work. We were paid three annas a day. We were also allowed to remove small branches and the bark that was peeled off. Larger branches were given to the people at the rate of eight annas per cart. Had Government allowed us the larger branches, we should have had ample supply of fuel for one year. The small branches that we removed were used for fuel and the bark was kept for *ráb*. Since the last three years we have been prevented from cutting green wood for fuel. Kolis and Várlis require more fuel than other classes, as they have to keep fire to warm themselves. The fire also serves the purpose of lamps in our houses. Although prohibited we cut small branches of trees, as we cannot get enough dead wood for our purpose. We do this without the knowledge of the forest guard. Three or four years ago, one Devya of my village was caught removing some *khair* wood for his *mándav;* he was sentenced to fifteen days' imprisonment. We cannot get our agricultural wood from the allotted *varkas* lands, so we obtain it from the Government forest. Ploughs are made of blackwood and *khair*. *Tivas* is not to be had in our jungle. The plough lasts for three years. It requires to be repaired every year. We never bought any material from the depôt at Pálghar. It was of very inferior sort. It was cut at the wrong time, namely, September and October. It ought to have been cut in August.

12th March 1886.

We renew our huts every third year as the *injáili* wood that is used gets rotten and useless in three years. We get our wood for the purpose from the Government forest. There are about 100 houses in the village of Devkhop. The Pándharpesha land-holders when letting their *kharíf* lands to us assign their *varkas* also. They remove such wood from it as is likely to be of use to them even if such trees were useful to us for *táhál*, because we as tenants cannot object. When we used to cut green wood for fuel, the forests did not suffer, as what was cut was made up by the annual yield. Latterly the jungle has become somewhat thin on the top of the hills as the big trees were removed by the Kábádis years ago, and the teak has crowded out other trees.

By the Commission,

I do not know whether any one bought wood from the depôts. None from my village bought anything. We did not take it because we were too poor. In my father's time we had fifty head of cattle. About the time he died they had all disappeared, and my father cultivated his land by hiring cattle. This was ten or fifteen years ago. I keep no cattle now. I hire them of other cultivators. I have tended my father's cattle when I was young. A good number of them died suddenly of an epidemic, and the rest also died away in three or four succeeding years. The cattle of the village have been decreasing in numbers year after year. Within my memory they have decreased fully by half. We use cow-dung *ráb*, but the supply is small and the greater portion of *ráb* burning is done with *táhál*. We do not collect cow-dung in the lands of other villages. We use part of the cow-dung during the rains to make smoke to drive away mosquitoes, but we use wood for fuel, as between cow-dung and *táhál* the former is a better *ráb* material. When my father had cattle of his own, we could burn half the seed-beds with cow-dung and the other half with *táhál*. My father cultivated the same area of *kharíf* as I do now.

WITNESS No. 51—(MA'HI'M *Táluka*).

12th March 1886.

CHINTO KRISHNA BARVE, a Bráhman, cultivator and money-lender, aged 58, residing at Tárápur, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold *suti* land in seven or eight villages of Máhím *táluka*. I hold 400 acres of *kharíf* and 600 acres of *varkas* assessed at Rs. 600. Some of the villages in which I possess land were formerly part of Dáhánu (Sanján) *táluka*. In Máhím *táluka* proper only the *pot várkas* and grass *varkas* lands in the *vahivát* of the people were measured off and entered in the people's names. The *shindád* lands were not so measured off. I hand in a petition dated 16th May 1863, requesting that certain teak *shindád* lands in the villages mentioned may be measured off; the reply received is dated 7th January 1864 (*vide* Exhibit No. 81) and states that the matter would be regulated by the decision of Government on the report of the Forest Committee. I hand in a copy (*vide* Exhibit No. 82) of the *pad patrak* of the village of Nevále prepared at the time of the settlement to show that certain lands entered in that statement were demanded by the people of five or six sea-coast villages on the ground that they had the *vahivát* of taking grass and *táhál* from them. The endorsement made by the

Superintendent of Survey on 15th May 1863 shows that the Superintendent directed the lands to be allotted to the claimants, but as a matter of fact the Superintendent's order was never carried out. Some of the lands have since been given to one Khaikhushru Dhanjisha, others have been set apart for *ránrakshan gurcharan*. We had appealed to the Revenue Commissioner against the Collector's order to give the lands to Khaikhushru, but he rejected the appeal in 1879. We objected to the lands being set apart for *ránrakhsan gurcharan* at the time of the settlement. We made petitions to the Survey authorities on the subject, but I cannot produce any papers to show when and to whom the petitions were made.

Petitions were made from time to time after the Survey to have the *shindád* lands measured off and entered in the rayats' names, but the matter is still undisposed of. I produce two orders (*vide* Exhibits Nos. 83 and 84) dated respectively 25th July 1867 and 8th February 1871, to show that we were allowed to get loppings from the forest lands under certain restrictions. In 1875, the *mámlatdár* of the *táluka* issued a notification under the Collector's orders calling upon all rayats who complained of their lands having been included in the *gurcharan* and *parigh* to present their petitions within a month. In consequence of this notification about 6,000 petitions were filed. In 1880 the *mámlatdár* gave us to understand that the matter had been referred to Mr. Young, Assistant Superintendent of the Survey, in 1876. We have heard nothing further on the subject.

In 1867 I had applied for permission to cut wood from my *málki* numbers in one of the villages under the Dáhánu settlement, including teak and blackwood. I was informed in reply that I was not to touch teak and blackwood without permission, but that I could cut other trees up to Rs. 200 (*vide* Exhibit No. 85). In 1877 I cut ten trees of *ain* from my lands, the Forest Department objected, but the Collector allowed me to keep the wood. In 1879 I was prosecuted for cutting some trees in my land but was acquitted. I put in a copy of the finding (*vide* Exhibit No. 86). I brought a suit in the civil court to establish my right to the trees in my *málki* lands, but I withdrew it afterwards with permission to re-institute it, which I have not yet done.

13th March 1886.

I understood that the order of 1867 referred to above gave me general permission to cut wood up to Rs. 200 every year. I require that quantity of wood every year for domestic consumption and I cut accordingly from 1867 to 1877 without any fresh permission. I hand in a copy of a proclamation (*vide* Exhibit No. 87) issued by the Collector of Thána, dated 5th June 1867, declaring teak and blackwood trees in occupied numbers to be reserved under Section 40 of Bombay Act I of 1865 whenever they may not have been disposed of along with the occupancy of the numbers. I believe this notification was issued under instructions from the Revenue Commissioner, N. D., given in his No. 1644, dated 16th April 1867 (*vide* Exhibit No. 88). I put in a copy (*vide* Exhibit No. 89) of the notification issued by the Collector of Thána, dated 29th January 1852, forbidding the disposal of *rán* land by the rayats without the permission of the Collector; this shows that the rayats had the user of *rán* lands before the Survey. When the Settlement of Dáhánu villages was announced at Chinchni, Major Waddington informed us that teak, blackwood and *tivás* in occupied lands had been reserved everywhere; he did not say anything about the other trees. We then understood that the Umbargaon rule must have been made applicable to us. In the Máhim Settlement the three kinds of trees noted above were similarly reserved. In 1839 teak was reserved by Government for the first time. Blackwood was made a reserved tree a few years afterwards; *tivas* was added at the Survey Settlement We consider it a grievance that the trees in our occupied land should be sold to traders. I think they ought to be made over to the occupants. Government recovering a fair amount of royalty, say about half of what would be the trade price. The after-shoots should go to the occupants. This would lead to abuse at first, but in course of time when confidence is restored there will be more trees grown than are now to be found. There is a strong feeling among the Pándharpesha occupants on this point which might lead to difficulties. Some Várlis and Kokani cultivators who have taken care of their trees also entertain the same feelings.

I cultivate in person about forty acres of *kharíf* in the village of Barhánpur. I have let forty acres to other cultivators. I hold 250 acres *varkas* in the same village. About fifty acres of these are under grain cultivation, the rest is covered with shrubs and trees. I do not get sufficient *rán* from my *varkas* because one-third of it is covered with teak. I supplement my *rán* from the village *gurcharan* which is endorsed by the survey as *rán rakshan karun gure mophat chárávi*. Several cultivators have individual *vahivát* in the *gurcharan*. I keep about 150 head of cattle. I use all the cow-dung for *rán*. I have to burn six to seven acres of *varkas* to grow paddy seedlings therein. Half the ground is burnt with cow-dung and the other half with *táhál*. Twenty years ago I had about 350 head of cattle. They died off from periodical visitations of epidemics; the number of cattle is getting less and less every year; they are reduced nearly by half. Barhánpur is a forest village. Inhabitants of other villages resort to our village forests for fuel, &c. We do not object to outsiders using the forest. About sixteen villages of Tárápur *mahal* take wood from Barhánpur. The *gurcharan* does not afford us any other material than *rán*, so we have to resort to the Government forest for building materials, bámboos and fuel. Under the present rules, the people are prohibited from going into the jungle with bill-hooks, but none the less they continue to do so by squaring with the forest guards. When I let my *kharíf* lands to the tenants, I have invariably to make

over their appendant *shindád* pieces to them. I never cut any wood from such pieces for my own use. The other land-holders do the same. I sell the surplus grass from that portion of my *málki varkas* which has not been assigned to my tenants. I first keep what is necessary for the use of my cattle and then if any surplus is left I sell it.

Formerly the forest lands were covered with all varieties of trees, while now the teak chiefly predominates. The denudation of other kinds was due chiefly to the cuttings that took place between 1852 to 1862. Much wood was cut and removed as *kita* for railway works, &c. About 25,000 carts were employed for about five months in a year to remove *injáili* wood from the jungles of Máhím and Dáhánu. Each cart made about ten trips in the season. The Government contractors were not allowed to fell trees from the *varkas mál* lands and *shindáds* of the rayats, and the proclamation of 1852 referred to above was issued by the Collector in order to stop the rayats from disposing of their *shindáds* to the contractors to be cleared of the trees. It had then become necessary also to keep special watchmen to protect trees in rayats' *shindád* and *varkas lands* from the depredations of the cartmen employed by the contractors. I produce a copy of the finding dated 28th October 1882 by the Subordinate Magistrate of Máhim, from which it will be seen that one Pestonj Mánekji was fined Rs. 40 for removing Rs. 4 worth of *injáili* wood from his occupied lands without permission. This decision was not appealed against. I think it is hard that the people should be convicted of stealing wood which they themselves have reared in their occupied lands.

Some people have right to fruit trees in *gurcharans* and other waste lands in Dáhánu and Máhím. Such rights were recorded in Register No. 1 at one time but the entries have since been cancelled. In the village of Kainád, *táluka* Dáhánu, one Bháu Bhikáji Chaubal who cut two *jámbhul* trees belonging to him was made to pay Rs. 9-11-0, being the price of the wood. The amount was recovered on 10th March 1882.

By the Commission,

I derive the estimate of 25,000 carts mentioned above from the papers of one Mr. Dádábhoy Byrámji who had taken the contract of issuing permits in one year. Two-thirds of the carts used to ply in Dáhánu and one-third in Máhím. At the time of the Settlement nothing was said about the *injaili* trees. If anything had been said in my absence I should have heard of it, but I did not. The survey *jamábandi* commenced at Chinchni; the rates were announced at Chinchni and Dáhánu by Major Waddington. Mr. Pritchard accompanied him. The Rs. 200 estimate I stated above as my annual requirement of wood is for the domestic consumption and house repairs, &c., of myself and tenants. I require forty carts of fuel every year, which I value at Rs. 100. The trees in my *málki* numbers afford sufficient supply for my requirements. I do not sell because I am prevented from selling.

WITNESS No. 52—(MA'HI'M *Táluka*).

22nd March 1886.

ANA BIN NA'NA RA'UT, a Pánch Kalsi, cultivator, aged 45, residing at Máhím, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold one acre and a quarter of *kharíf* and one acre of *varkas*. I pay Rs. 5-6 as assessment to Government. I also cultivate some garden land belonging to other rayats. It is about six acres in extent. I grow in it sugar-cane, betel-leaves, plantains, and ginger. It is not necessary to use any forest materials for ginger cultivation. For sugar-cane we want firewood to boil the juice. *Velus* (solid bamboos) and *bundhis* (small bamboos) are required for betel-leaf plantations. Either rafters or large hollow bamboos known as *padhai, khashti,* or *khára* bamboos, are required as supports for plantain trees. One acre of plantain plantation requires six hundred of such supports. Fifteen to twenty thousand *bundhis* are required for one acre of betel plantation. About four hundred *bundhis* go in a small cart. Thus fifty cart-loads of *bundhis* are required for one acre of betel garden. This supply generally lasts for two years. Besides these, about twenty carts of *velus* (250 *velus* going to a cart) and three hundred *bhendi* rafters are required. *Jhitás* (bamboo branches) are required for enclosures. About one cart-load and a half of *jhitás* are necessary for one acre. *Khair* wood is necessary to set up the Persian wheel. About thirty-three pieces of *khair* are necessary for one wheel. Teak wood is also required for the wheel, the pole, and the shed that is put up for the animal to work under. The Persian wheel, once set up, generally lasts for twenty-five years without repairs; and then it requires to be repaired now and then. I cannot say what quantity of fuel is required to boil the sugar-cane juice, as I sell the canes. Formerly there were thirty or thirty-five sugar-boiling pans in Kelva-Máhím, but the manufacture of *gul* has been abandoned on account of the difficulties in the way of getting fuel. All the sugar-cane is now exported to Bombay, and also less sugar-cane is grown. *Rájeli* plantains, which require supports most, are not now planted to the same extent as before. Another short variety of plantains, known as *basrái,* has taken the place of *rájeli*. *Rájeli* is the more

valuable variety of the two. The yield of *rájeli* is nearly double that of *basrái*. Since last year the betel-vine cultivation has also decreased by one-third. Two years ago the rate of fees on *bundhis* was raised. This led the people to curtail the cultivation of betel-vines. About twenty-five years ago we used to obtain all these materials from the forest without any special permission. After that for some years we got them by permit without fees. Then, about fifteen years ago, a fee of four annas per cart was charged. This fee was raised to eight annas five or six years afterwards. In the year before last the fee was further raised to one rupee. This year the rate is again reduced to eight annas. Up to 1883 *velus* and *bundhis* were charged at the same rate, when the fee on *bundhis* was raised to one rupee per cart. The fee on *velus* was raised to three rupees per hundred, or nearly Rs. 7-8 per cart. This year the old rate of fee, that is, eight annas per cart, has been restored in the case of both the materials, *viz.*, *bundhis* and *velus*. I myself went to the *nákedár* last year to inquire about the rate of *velus*, and he gave me to understand that the new rate for *velus* was Rs. 3 per one hundred. I obtained my permits for the *velus* this year from the same *nákedár* at the rate of 8 annas per cart. When the end parts of *padhai* bamboos were used and removed by the traders, the stumps were used and removed by the gardeners as supports for plantains. Since the free removal of these stumps was prohibited about fifteen years ago, we have not been using them for supports. The old stumps are not now removed from the forests by the traders, but are allowed to rot away or to be burnt. The traders cut these bamboos by climbing them up and leaving from 8 to 10 cubits at the bottom uncut. This portion is useless to them on account of its being full of knots and comparatively more solid. The rate of fees chargeable for 100 *padhai* bamboos is Rs. 3 per cart. A bamboo is to be cut into two if it is to be carted away, and at the *náka* the two pieces would be counted as two bamboos. The trader, therefore, does not remove the bottom stumps, which are less valuable to him than the end parts. As we are not allowed to use the bamboo stumps, we plant *basrái* plantains more largely, and use the sticks of *bhendi*, *pángára*, and such other trees for supports, but as the trees are not properly protected, the plantations suffer much whenever there are violent storms. There are no traders of bamboos in Máhím; but Mahomedan traders from Daman, Kalyán, and Bhivandi remove *padhai* bamboos from the forests of the Máhím *táluka*. They take them to Bombay by Manore *bunder* and sell them to be used as batten. A still larger quantity of Dáhánu bamboos finds its way to Bombay through Sávta and Dáhánu. I pay Rs. 105 as rent of my six acres of garden. I generally distribute the area among several crops as follows :—*Ráb* bed and *nágli*, one acre and three-quarters; ginger, one acre and a quarter; sugar-cane, one acre; plantain, one acre and a half; betel-vines, half acre. The rotation is also in the order noted above, except that betel vine is a two years' crop and it succeeds *nágli*. We obtain our forest materials from the forests of Kamáre, Varkhunti, Nandore, Mahágáv, Lálonde, Boyashet, &c. The farthest distance we have to go is about 24 miles. The inhabitants of the forest villages do not take objection to our using their forest. We do not find any difficulty this year in obtaining permits. Last year there were difficulties. The prices charged were very high, and the classification was confounding. Besides the above, we used to obtain from the same forest whatever wood was required for our agricultural implements and for domestic use, such as for building or fuel. There is an agricultural depôt at Pálghar. Axles are kept there for sale at four annas a piece. I visited the depôt last year, as I wanted to buy some teak for building, but I did not buy any, as the logs were crooked inside. I saw also some charcoal kept there for sale.

By the Commission,

The sugar mills in Kelva-Máhím have not been working since my childhood, *i.e.*, 25 years past. Within my memory not more than four or five were working. They have also latterly been stopped. I was told that 35 to 40 mills were at work at one time. I cannot say why they were stopped. Till fifteen years ago there was no restriction on the removal of firewood. The price of sugar-cane is nearly stationary these fifteen years. All the cane that is produced finds ready sale.

WITNESS No. 53—(MA'HI'M *Táluka*).

23rd March 1886.

BHA'SKAR ARJUN, a Lohár, smith and cultivator, aged 39, residing at Máhím, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold 80 acres of land at Máhím, Mahágáv, and Boisar, which is assessed at Rs. 80. Up till 20 years ago, we were allowed to manufacture charcoal free from the Government jungle. The Government then prohibited us from burning wood for charcoal, but the prohibition was removed in 1869, on our representation. In 1870 the prohibition was again imposed. We protested, but the restriction was not removed, so we brought the charcoal for a time from the Javár State. About 12 years ago, Mr. Gibson permitted the manufacture and the removal of charcoal from the Government jungle on permits at the rate of one and a half rupees per cart. A cart holds one candy and a half of charcoal. The fee on charcoal was raised

to Rs. 3 about five years ago. Three years ago the manufacture of charcoal in the jungle was stopped altogether, and we were told to obtain firewood on payment of the ordinary permit fee of one rupee per cart. Three to four cart-loads of dry wood are required to get one cart-load of charcoal. Since last year charcoal has been offered for sale at the depôt at the rate of Rs. 7 per candy or Rs. 10½ per cart. The candy I refer to is the Bombay candy, *i.e.*, lbs. 784. Rs. 9 was at first fixed as the rate per candy of charcoal at the depôt, but it was reduced to Rs. 7 on the representation of the blacksmiths of Máhím. The charcoal kept at the depôt was manufactured from green wood, and was therefore inferior to that obtained from dry wood. There were about 40 candies of charcoal at the Pálghar depôt. The Divisional Forest Officer told us it was optional with us either to buy the charcoal at the depôt, or to obtain firewood by permit from the forest; but the inspector gave us to understand verbally that unless we bought some charcoal at the depôt, we would not be allowed permits for fuel. His object in throwing difficulties in the way of our obtaining permits for fuel was to secure the disposal of the charcoal at the depôt. This year there is no charcoal kept at the depôt for sale. Last year we imported some used-up coal from the railway contractors, at the rate of Rs. 14 per ton, and used it in our workshops. With the reduced rate of permit fee of 8 annas per cart of dry wood, I calculate that we shall be able to get charcoal made at Rs. 7 per cart-load. The refuse coal is better than charcoal for heavy iron work, but for delicate work charcoal is preferred. When charcoal-burning was permitted within forest limits, a cart-load of charcoal cost us Rs. 5-8—that is, Rs. 1-8 as permit fee, Rs. 2-8 labour of Ráthodis, and Rs. 1-8 carriage hire. We were then required to execute an agreement on a stamped paper to burn charcoal in a particular way, so as to prevent any injury to the forests. I do not know of any complaints having been made about the way in which charcoal was burnt. The wood was examined by the round-guard before it was burnt for charcoal. We charge from 50 to 100 per cent. more for the making of agricultural implements, on account of the increased cost of fuel and dearness of living. I beg that the smiths may be permitted to burn charcoal as before without fee.

By the Commission,

My principal request is that we should be allowed to burn charcoal as before in the jungle, whether the Government charges any fee or not. I prefer to get the fuel from the railway at the same price, because of the trouble in getting permits and manufacturing the charcoal. I can get generally as much refuse coal as I want from the railway. Once or twice I was told that there was no refuse coal to be had, but that it would be forthcoming in a month or a fortnight's time. I obtained refuse coal from the railway two months ago. I have not obtained any wood for charcoal-burning by paying permit fees. When my stock will be exhausted in a few days, I will replenish it by getting some from the railway and some under the permit system. It is more troublesome to get charcoal under the permit system than to get refuse coal from the railway. The charcoal made from teak wood is the best for our purpose. The charcoal sold at the depôt was made of teak.

I use ten to twelve cart-loads of coal in my workshop in a year. There are two other workshops in Kelva-Máhím beside my own, which together consume about the same quantity of charcoal as I consume in my shop. The smiths of Kelva-Máhím do the work of about twelve villages in the neighbourhood of Máhim. The work turned out consists chiefly of agricultural implements and household requisites.

WITNESS No. 54—(MA'HI'M *Táluka*).

23rd March 1886.

RANGO KRISHNA DA'NDEKAR, a Bráhman, cultivator and money-lender, aged 50, residing at Máhím, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold seven acres of garden, 150 acres of rice, and eighty acres of *varkas* lands, situated in ten or twelve villages of Máhím *táluka*. I pay Rs. 500 as Government assessment. The village of Nándore, in which I hold some lands, is a forest village. The inhabitants of about fifteen neighbouring villages resort to the forest of Nándore for *bundhis, velus, jhitás* and fuel. The Nandore people do not object to this user of the other people. *Bundhis, velus* and *jhitás* are chiefly removed by the garden cultivators of Máhím. I cultivate some rice land at Nandore. I have a limited area of *varkas* in the village. It does not supply sufficient *táhál* (small branches of trees) for my rice cultivation. All the *shindád* lands were not allotted at the Survey. We applied to the Survey and Revenue authorities from time to time that the *varkas* lands which we used for *ráb* might be measured off. It was intimated to us that the matter would be settled by the Forest Settlement Officer. I produce an order given by the Forest Settlement Officer, dated the 22nd instant. We fear from the wording of this order, and from the conversation we had with the officer, that the *shinádd* lands, in which we have individual *vahivát,* may be included in the forests. These lands contain many other trees besides teak. We do not lop the teak. If we are permitted to lop all trees, except teak, in the *shindád* lands, there would be no cause of

complaint on the ground of insufficiency of *táhál*. The prohibition of teak-cutting was imposed thirty years ago. Since then the number of teak trees has increased at the expense of other trees. If this goes on for a time the supply of *táhál* will be materially diminished. We do not use the unalloted *shindád* lands except for *táhál;* but if they are allotted to us, we should get wood besides. In 1884 we were prohibited from cutting *táhál* in the *shindád* lands, but we did cut it, and we were allowed to use the same without any charge. Last year we cut the *táhál*, but as we did not pay the fee demanded by the forest guard, it was attached and taken charge of by the *pátil*. It was not made use of, but ultimately it was allowed to rot. We raised the seedlings on the previous year's *ráb* plots by enriching them with oilcake and *kuta* manure, but the seedlings were poor. Survey No. 80 in Nandore is set apart by the survey as *rán rakshan karun gure mophat chárávi* (cattle to be grazed free, preserving the forest). Our *shindád* lands are included in this number. In 1880, Pilya Krishna, officiating *pátil*, and his uncle, Vithoba Ganesh, were criminally prosecuted for cutting four bundles of *bundhis* worth annas eight, and using them for their house, and were sentenced—the former to suffer rigorous imprisonment for twenty-five days and to pay a fine of Rs. 20, in default to undergo further rigorous imprisonment for twenty days; and the latter to pay a fine of Rs. 30.

Harilál Khushálbhái is a large land-holder and money-lender in Chinchni. His house was searched by the forest ranger and the Sub-Assistant Conservator on an anonymous representation. Harilál having brought this to the notice of the Collector, he informed the petitioner that the officers concerned were warned against a repetition of such acts. This happened in 1880. I purchased the teak trees in my lands in the villages of Nandore and Ambádi, under Ellis' rules, in 1863-64. Other people have also bought and removed teak trees from their numbers. I prune my teak trees once in three or four years. They improve by pruning, and I can use the loppings for *ráb*. In Dr. Gibson's time people were allowed to prune teak trees with a view to improve them and at the same time to supply the *ráb* materials. The people did the lopping of the teak more carefully than that of other *ráb* trees, and there were no complaints of their having injured the trees. The *pátils* and *talátis* were expected to look after the lopping operations. They had no special instructions about prunings. Since the lopping of teak was stopped, the trees have grown crooked. They cover more ground and keep the grass and *ráb* trees from growing. The drv leaves of teak which fall on the ground also accellerate forest fires.

25th March 1886.

As a result of the above we have to go further for our *ráb* and we have to infringe the restrictions placed. The cow-dung is carefully utilized. Cow-dung *ráb* is the best of all. After it come *ain* loppings. Inferior to these are all others. In my own land there is only *ain*, and that is small. It does not grow on, because I lop it yearly. It would grow with proper care, but I cannot do without lopping it yearly. My land is principally grass land. To make *ain* grow well, the leading shoot should be left, and the side shoots only cut, but we are compelled to cut down even the leading shoots on account of the scarcity of *ráb* materials. There was a depôt at Pálghar station, three miles from my village. Three years ago *ain* trees were lopped departmentally and the *táhál* was kept for sale at the depôt. The *ain* trees were lopped by the labourers employed by the Forest Department, who paid about 8 annas for the work, when it would have cost us one anna. No one bought the *táhál* from the depôt. It was dear and so little in quantity that it would not have sufficed for one *ráb* bed. There were about ten heaps, and each heap was priced at four annas. It would have sufficed for a *ráb* bed for ten *páilis* of seed. In the depôt there were also teak rafters, *kárvi, bundhis, jhitás*, plough wood, &c. I bought some *khair* wood for the *pháls* of ploughs at four annas a piece. Others bought also. The price was double the ordinary price, *i.e.*, the price at which the wood used to be obtainable when it was brought free from the forest. The wood was divided into eight sorts at the depôt. No purchaser was allowed to buy, unless he took exactly Rs. 10 worth of wood and that proportionately from each kind. Wood for other parts of ploughs, than the *phál*, was useless for our purposes. It was inferior, and we bought none. Among the wood for parts of ploughs was *kákad, shemat, dháman*, &c. We wanted blackwood, teak, and other superior kinds. In the depôt, wood for plough *pháls* and for cart axles is still available; but nothing else. We still purchase the wood for *pháls* at four annas. We cannot get it cheaper elsewhere. I do not think that the depôt system can be made satisfactory. The chief reason is that the cost of cutting must be greater than if we were allowed to cut the wood ourselves. The quality of the wood is inferior, and the number of depôts is too small. There were only four depôts in the whole *táluka*. There were not sufficient pieces of wood for *pháls* to supply the demand. I do not know how the people made up the deficiency. About three or four thousand ploughs are required yearly. The depôts did not contain wood for more than twenty-five or thirty each. I suppose the people must have stolen wood to make up the deficiency. The guards have to be squared if they interfered. I cultivate betel-vines in one acre. Twenty thousand small bamboos or *bundhis* are required as supports for the vines. When the vines are first planted, *kárvi* standards are used till, with the rain, the vines make a start and can be wound on to the bamboo supports. Besides this, about 8,000 large bamboos or *velus* are required as cross-pieces for the stages per acre. Besides about 100 *bhendi* rafters are required to make

props and ladders to get to the stages. For plaintain cultivation, 600 trees to the acre, the same amount of standards of common *injáili* wood, or of large bamboos, are required. Each tree has its standard. We used to use the lower portion of *padhai* bamboos for this purpose. The upper portions only were purchased and taken off by traders. These are very dear now. The permit fee was Rs. 5 per hundred last year. The year before it was Rs. 6. This year the fee is Rs. 4. Four years ago we paid one ruppee per cart containing forty bamboos. *Rújeli* plantain cultivation has decreased. *Basrái* plantains have taken their place. The latter require no standards. The former kind is better paying. Bamboo branches are required for fencing. The *khári* variety of bamboos (*padhai*) has no side branches that can be utilized for fencing. We pay three annas per cart-load of *jhitás*. If we bring for fencing purposes what we consider to be *jhitás*, the *nákedárs* charge us the rate for *bundhis* (eight annas per cart). If the stem exceeds a certain thickness, *i.e.*, if it exceeds two inches in circumference, the cart is stopped till orders are obtained by the *nákedár*. The bamboos are thus often kept till they rot. *Bundhis* would not do for cross-pieces in a betel-vine garden. They are not strong enough. The only difference between a *velu* bamboo and a *bundhi* is that the former is thicker.

By the Commission,

Garden cultivators get about one-fourth of the *bhendi* rafters from their own lands. The rest is purchased. For all other materials (bamboos, *kárvi* and *injáili* wood) we are dependent on forests. Up to 1870 we got all these materials free. Since then we have been procuring the materials on the permit system. Live fences are not customary, because the *sábre* would not grow under the shade of garden cultivation. In garden cultivation, in which plantains come in, the land must be *rábed* before the next crop is put in. Cow-dung, plantain stocks, and sugar-cane dried leaves, are used as *ráb* materials. When the crop is put in, castor-oil cake and *kuta* or dried fish are used as manure. The tops of the *padhai* bamboos are taken by the traders, and we use the bottom; each of us has to pay the full permit fee. If the whole bamboo is brought, the double fee is levied. Survey number 80 contains 1,123 acres. Of this 285 acres are now Protected forest. As no demarcation has been made, except on paper, we cannot define the boundaries of the forest. People have individual *shindád vahivát* in about 400 acres adjoining the cultivation. People do not use the upper portions of the forest for *táhál;* but we depend on that portion for firewood and wood for agricultural implements.

WITNESS No. 55—(MÁHIM *Táluka*).

21st April 1886.

Answers to written questions forwarded to Ráv Sáheb NÁRÁYAN GOPÁL RÁJE', Mámlatdár of Máhím, by the Forest Commission.

Q. 1.—When was the Revenue Settlement introduced in the different villages of your *táluka*?

A.—There are altogether 193 villages in the Máhím *táluka*, of which three are alienated and the rest are *khálsa* or Government. In the original 159 Máhím villages the Survey Settlement was introduced in 1862-63. In the two villages of Váda *peta* of the Kolvan *táluka* and the 29 villages of the Dálhánu *táluka*, which were afterwards transferred to this *táluka*, the Settlement had been introduced in 1865-66 and 1866-67 respectively. The Survey Settlement has not yet been introduced in the alienated villages.

Q. 2.—How was the *varkas* land treated at the time?

A.—At the time of the Survey Settlement of the *táluka* the *varkas* land was measured off and broken into numbers, which were allotted to individuals according to their *vahivát*. But as it has not been divided into *pot* numbers, it is impossible to ascertain the boundaries of lands held by particular persons. Some of the *varkas* land is used for *ráb* beds and for cultivation of hill grains such as *nágli, vari, udid,* &c., and grass and *táhál* in the remaining portion is used for *ráb*. *Shindád* lands do not, with some few exceptions, appear to have been included in the *varkas*.

Q. 3.—Were all the lands in which people habitually cut *táhál* measured off, and included in occupied numbers? If not, have any measures been taken since to mark off such lands?

A.—All the lands in which people habitually cut *táhál* for *ráb* were not measured off and included in the *málki* numbers. When the rayats in the *táluka* applied that their *shindád* lands included in *gurcharan* and other unassessed waste land might be made over to them, a correspondence ensued and it was directed by the Collector of Thána in his Outward No. 18, dated 30th November 1875, that all the rayats should be informed by a notice to submit their petitions within one month to the *mámlatdár* and that the applications that might be received within that period should be forwarded to Mr. Gibson, Deputy Superintendent of Revenue Survey. These applications were accordingly submitted to that officer. Mr. Young, Assistant Superintendent of Revenue Survey, with four or five measurers then came to the *táluka* for measuring land. They measured the land in some of the villages in 1877. But the people have not as yet got the land measured by them and there is no record about it in the *táluka*. The file containing English correspondence regarding this may be procur-

ed from the office of the Collector of Thána. From the extracts, copies of which have been herewith forwarded, from the *bárnishi* register for the year 1875-76 of Nos. 347, 348, 349, 342 and No. 111 in the *Huzur* inward register for the same year and from the order (in which mention is made of cutting *táhál*) No. 42, dated 8th May 1867, given to the *mámlatdár* of Murbád, copy of which was sent to this *táluka*, it appears that the *shindád* land was not measured off.

Q. 4.—What *sherás* were written opposite the waste lands of the villages ?

A.—The following are the *sherás* written against unoccupied lands of the village :—

Against assessed waste land—

1. *Sarkári oshik*, Government waste, against *kharíf* and garden land.

Against *varkas* land—

1. *Binkhapáchi*. Land not appropriated for *ráb* or for any other special purpose.
2. Against unassessed waste land—

In the villages transferred from Dáhánu and Váda—

1. *Sarkári rán*. Government forest.
2. *Gávche rán*. Village forest.

In the villages to which the Máhím Survey has been applied—

1. *Gurcharnikade mophat thevila áhe*. Set apart for free grazing.
2. *Gurcharnikade*. For grazing.
3. *Rán rakshan karun gure mophat chárávi*. Cattle to be grazed free, preserving the forest.
4. *Charnikarita darsál tálukyáhun ek gatáne lelaon karun adhik bolnárás det jáva*. The right of grazing to be sold by auction in a single lot for the *táluka* to the highest bidder.
5. *Jangaláche rakshan karùn gure mophat chárávi*. Cattle to be grazed free, preserving the jungle.
6. *Khâjanákade rákhun gure chárávi*. Cattle to be grazed, keeping it as marsh land.
7. *Khájanákade thevila áhe tyánt lávni hou naye*. Set apart as marsh land, cultivation not to be permitted.
8. *Gurcharnikade mophat thevila áhe tyánt lávni hou naye*. Cultivation not to be allowed, keeping it for free grazing.
9. *Rán rakshnákade*. For preservation of forest.
10. *Chunkhadichá darsál lelaon karáva*. Lime nodules to be sold by auction every year.
11. *Khájan*. Marsh land.

Q. 5.—Have they since been altered ?

A.—There is nothing to show that these *sherás* have been since altered.

Q. 6.—Do the people claim any *málki* trees in the waste lands of the villages ? Was any inquiry or settlment concluded with regard to such trees ? If so, describe the settlement and state whether it is still in force or not.

A.—People claim certain mango, tamarind, banyan and such other trees in the *gurcharan, gáothan* and other waste lands of the village on the ground that they were planted by them. But in the Collector's Circular Order No. 19, dated 14th November 1881, based on Government Resolution No. 6550 of 1881, it is directed that no one should be allowed to enjoy the usufruct of such trees on the ground of his *vahivát;* and that the fruit of such trees should annually be sold by auction. The original order is not to be found, but a copy of the circular order issued to the *talátis* which is based on it is herewith forwarded. I understand that an order has since been issued to the effect that the people should be allowed to remove the fruit but it cannot be traced in the records of this office. The *vahivát* of the people of removing the fruit, however, continues.

Q. 7.—Have there been any alterations in such record ?

A.—As no record can be traced nothing can be said about alterations if there have been any in it.

In the order No. 169, dated 14th June 1882, below Thána Collector's endorsement, Inward No. 55 of 1881-82, dated 16th January 1882, the First Assistant Collector of Thána has directed that the entry regarding the proprietary trees of the rayats is illegal, that such *sherás* wherever they may have been written should be cancelled by red ink lines running over them and that the erasures so made should be pointed out to him. The original order is not forthcoming. A copy of the order issued to the *talátis* is herewith forwarded.

Q. 8.—Give the history of trees in occupied numbers. Give a sample of the entry made in Register No. 1 of such trees by Mr. Nairne.

A.—The occupants have right to all the trees except teak, blackwood and *tivas* in their occupied numbers in 159 villages to which the Máhím settlement applies. The occupants have a right to cut the trees for trade, agricultural and household purposes, &c., without previously obtaining permission. In the 29 villages transferred from Dáhánu and the two transferred from Váda *peta*, the holders of the land have no right to trees but are allowed to lop *táhál* and cut wood except of teak and blackwood trees for domestic and agricultural purposes on obtaining previous permission. They are not however allowed to trade in the wood so cut.

The teak trees in the occupied numbers were counted and the price paid by some of the holders was credited to Government. Entries to this effect have been made in Village Form No. 1 against such numbers under the signature of Mr. A. K. Nairne, the then First Assistant Collector of Thána. An extract from No. 1 is appended herewith (*vide* Exhibit No. 90).

Q. 9.—Do you think the State interference in the tree-growth of *málki* numbers should cease?

A.—Government does not interfere in the growth of any trees except teak, blackwood and *tivas* in the *málki* numbers in the 159 Máhím villages. The 29 Dáhánu villages and the two Váda villages should be similarly treated because it is not desirable that there should be two different practices in the *táluka*. Those who have purchased the teak trees should have the right to the after-shoots, and a similar indulgence should be allowed to those who will hereafter purchase the teak in their *málki* numbers.

Q. 10.—Do you propose any restrictions on the way of the occupants disposing of their trees?

A.—I am humbly of opinion that the occupants may without any restrictions be allowed to cut wood in their occupied numbers for household and agricultural purposes. Wood for trade however should not be allowed to be cut without permission and such permission should only be granted, when the officer granting the permission is satisfied that there is surplus stock for felling after making allowance for the agricultural and domestic wants of the holder.

Q. 11.—What proportion of the *khárif* land in your *táluka* is cultivated with *táhál*?

A.—Three-fourths of the total *khárif* area in the *táluka* are cultivated with *táhál rább*. *Táhál* cannot alone be used for *rább*, but it requires to be mixed with grass.

Q. 12.—How much with cow-dung, *kuta* or fish manure?

A.—One-fourth of the *kharif* land is cultivated with cow-dung. *Kuta rább* is never made alone but it is sometimes used as a supplement to other *rább* materials.

Q. 13.—How have lands with the *sherás rán rakshankade* been treated as regards grazing.

A.—It has been customary with the people to graze their cattle in the lands which bear the endorsement '*rán rakshankade.*'

Q. 14.—Can you give any history of the old demarcation of forests in your *táluka*?

A.—There is no record about any former demarcation of forests in the *táluka* proper. I learn that there had been a forest demarcation in the villages which were transferred from Dáhánu and Váda; but no record about it is forthcoming.

Q. 15.—Give the population of the wild tribes in the *táluka* and say to what extent they are dependent on the jungle produce for their maintenance.

A.—The population of the wild tribes in the *táluka* is as follows:—

Kolis	... 16,688
Dublas	... 324
Várlis	... 8,507
Kathodis	... 1,229
Total	... 26,748

During the eight dry months the wild tribes gather dead wood for fuel in the forest and take it to the neighbouring market village and sell it at the rate of 1 to 1½ annas per head-load. They also fetch *palas* and cigarette leaves. The sale-proceeds of these forest products are small and they earn only a scanty subsistence. During the monsoon they work as agricultural labourers. The rate of wages per day then varies from 2 annas in coast villages to 1 anna in jungle villages. Though they sell forest produce and work as labourers, they have for days together to live on boiled bitter *kárandás*, wild fruit and plantain bulbs. Sometimes they have to starve. Altogether they are in a very depressed state. Except the scanty raiment that they wear daily, they have hardly anything to cover their body with. They pass the eight months of cold and rain by warming themselves with fire. In short the wild tribes depend much upon the forest.

Q. 16.—Verify the statements as regards convictions and other documents put in by the Máhím witnesses so far as you can.

A.—I have read the statement of Rango Krishna Dándekar, one of the Máhím winesses. In it he has stated that Pilya Krishna and Vithoba Ganesh were punished for cutting *bundhis* in the *shindád* No. 80 in the village of Nandore on the ground that the survey num-

ber is reserved. I append herewith copy of the decision in the case. In the list received under the signature of the range forest officer of Máhím about the survey numbers set apart for forest, no mention is made as to whether this number is set apart for Reserved or for Protected forest. There is no means to ascertain this without reference to the *Government Gazette*, which is not in the *táluka* record.

Q. 17.—What articles are chiefly exported to Bombay from the *táluka?* Can you give any idea as to the quantities of grass and wood (timber and fuel) exported each year from your *táluka?*

A.—About 10,000 tons of grass (green and dry), 10,000 candies of firewood and 5,000 pieces of timber are exported to Bombay.

Q. 18.—Please put in a copy of any order or orders that may have been issued by the Survey Settlement Officer containing the terms of settlement with any authorized alterations in it.

A.—There is no record in this office about the order containing the terms of the Settlement. But in reply to references to the Survey *Huzúr* in certain cases for the information, it is ordered that the joint rules have been made applicable to this *táluka.*

Q. 19.—Have any cases of illicit cuttings from Government forests come before you in your magisterial and executive capacity for enquiry? If so, will you enumerate such cases and state where the papers of such inquiries are recorded, if possible, in order that, if necessary, application may be made for their production to the proper authorities?

A.—The subjoined table shows the cases of illicit cuttings from Government forest that were decided by the *táluka* magistrates after enquiry during the last eleven years:—

Year.	Theft.	Mischief.	Forest Act.	Total.
1875	7	...	.....	7
1876	4	...	.....	4
1877	6	...	... ..	6
1878	49	...	.....	49
1879	46	33	1, Section 32	80
1880	53	3	1 „	57
1881	21	3	1, Section 76	25
1882	29	...	.....	29
1883	6	...	.....	6
1884	11	...	1, Section 76	12
1885	13	...	.....	13

The proceedings in all these cases, with the exception of findings which are in the *táluka* records, have been destroyed.

Q. 20.—What measures would you recommend to ensure the co-operation of the villagers and village officers in the protection of forests? Has the present system the effect of divided responsibility and inefficiency? If you think so, what remedy would you recommend for adoption?

A.—The co-operation of the village officers and villagers in the protection of forests would best be ensured by granting the former some extra remuneration for the responsibility thrown upon them and by allowing the latter to take without fee from the forest wood required for their household and agricultural purposes and by giving them to understand that the concession would be withdrawn if they failed to give notice about any injury done to the forest. Though the sole responsibility of forest conservancy has been placed on the Forest Department, still the Revenue authorities are held responsible. The system of divided responsibility cannot be said to affect the forest conservancy much; as however the correspondence regarding forest administration is carried through, and the disposal of forest revenue vests in, the Forest Department, the Revenue authorities have no share in the forest administration and at times have solely to depend upon the Forest Department. As often they are held responsible for no fault of theirs, the Revenue officers are not induced to exert in the cause of forest conservancy. To remedy this evil the responsibility may be thrown on both the departments and all the orders issued and rules made should pass through the hands of Revenue authorities. I am humbly of opinion that if this suggestion be acted upon, the experience of Revenue authorities would be utilized in dealing with the question of supplying the agricultural and domestic wants of the people with due regard to forest conservancy.

Q. 21.—Has the *táluka* been denuded of its forests during the past twenty years or so? If so, state the causes that led to the denudation?

A.—The *táluka* has been denuded of its forest, both private and Government, during the past twenty years. The denudation is due to the flourishing state of the timber and firewood

trade in Bombay and to the opening of railway which affords facility for transporting wood. The income from the forest has increased during these twenty years owing to many cuttings having taken place in the forest.

Q. 22.—Is there a general belief that the number of cattle has greatly decreased in these parts during the past twenty years. Do you share that belief irrespective of what the village *patraks* show ?

A.—It is true that the number of cattle has greatly decreased in the *táluka* during the past twenty years. I attribute the decrease to the want of fodder. Twenty years ago grass was not exported to Bombay and so cattle got sufficient grass. The number of cattle therefore increased every year. Now owing to want of sufficient grazing, cattle grow weak and especially die in the hot season, and those that survive fall victims to certain epidemics owing to their weakness. Besides the people cannot afford to engage men to tend their cattle.

Witness No. 56—(Bassein *Táluka*).

25th March 1886.

Lakshman Nárayan Sádhle, a Bráhman, *bhikshuk*, aged 36, stated in reply to questions

By the Secretary, Thána Forest Association,

I am Secretary to the Bassein branch of the Thána Forest Association. I have collected Rs. 1,700 to 1,800 on behalf of the Association. I am a nominated member of the Táluka Local Board. I pay Rs. 382 as Government assessment. My land consists of *kharíf*, 111 acres, and *varkas*, 121 acres. The land is situated in eight villages, all of which are forest villages according to the present demarcation. In Bhátáne, Poman and Pelhár are considerable areas of forest, which are resorted to by the inhabitants of other villages. No objection is raised by the inhabitants against the usufruct by outsiders. They rather wish that the distinction made by Government between forest and non-forest villages should be removed. My *varkas* does not suffice for the wants of the *kharíf*. The whole of the *shindád* in the usufruct of the people before the Survey has not been measured and allotted to them. I can prove this. I produce a petition from Pelhár, asking for authority to prune teak, and quoting an order from the Collector, No. 167, dated 13th September 1865, acknowledging that the people had *ráb* user in the village forest, *i.e.*, that portion outside the forest cairns (*vide* Exhibit No. 91).

Again, I produce a petition from the village of Sasunavghar, dated the 7th May 1870, complaining of the inclusion in *vancharái, gávrán* and forests, of land in individual *shindád* usufruct, and asking that it may be allotted, explaining that owing to their not having understood the necessity of previously claiming allotment, they had not claimed it. The reply was that nine years had elapsed since the survey, and as the petitioners had not within two years of the Survey Settlement claimed allotment, their petition could not be listened to. It must be inferred also from the proportion in which the *varkas* exists in comparison with the *khuríf*, that there must have been some customary *varkas* not allotted to the people ; but still over which *shindád* rights were exercised. In thirty villages the *varkas* is less than three-quarters of an acre to one of *kharíf*. In seventeen villages the *varkas* is under one acre and a quarter per acre of *khuríf*. In six villages the *varkas* is under two acres and a quarter. These made up the 53 villages in which the forest settlement has been completed under the new Act. In 1865 an inquiry was made by the *awal kárkun* as to the existence of individual rights of usufruct over unallotted *varkas*. The whole inquiry should be called for and examined by the Commission in support of my point. I do not know what the result of the inquiry was. The petitioner was Rávji Nárayan Dátár of Ágási, at that time *mámlatdár* of Panvel. Among these papers is a *kabuláyat* taken in the time of Dr. Gibson as regards the pruning of teak (*vide* Exhibit No. 92). I know that people took advantage of Ellis' rules regarding the purchase of teak in occupied numbers in the *táluka*. The persons from whom I purchased my lands were among the number. People now regret having purchased these rights. I read an example of interference and inconvenience and loss sustained in consequence. The history of this case was that a man who purchased his trees in 1864, gave due notice about 1876, that he was going to cut them. He waited to allow the Forest Department to take precautions for the protection of the neighbouring Government trees. After a time, in 1877, he renewed his notice, finding that the first notice had been lost in some Government office. He then proceeded to cut, and brought some to his house. The *mámlatdár*, it appears, took objection. On this, he applied to the Conservator, who told him, on the 12th February 1878, that the papers had gone to the Collector. The Collector, after a time, ordered him to pay the full value, or forfeit the wood, or stand a criminal prosecution. The owner chose the alternative of giving up the wood in order that he might have cause for a civil action. The man gave notice of a suit, but through poverty was unable to bring it. He lost his wood, which was sold, and the proceeds were confiscated by the Government. I have not yet cut my trees. I fear a similar annoyance and loss. I produce some other papers, which give an instance where a man paid for teak trees in his number according to the list of trees made by the *taláti*. He afterwards found that there were no teak trees

whatever in his land. He asked for the money to be repaid, but was refused. He applied for the money ten years afterwards. This man, after this, applied to the Forest Department, and received a reply that the suggested compromise that other trees should be given, for the money paid by the owner could not be allowed.

I produce another paper in which a man Rájárám Rámdás Váni of Papadi, in 1879, gave notice that he was going to fell two teak trees in his garden land. The decision was that permission could not be given unless the price fixed by a *panch* (Rs 35) was paid. There was no claim that the trees had been bought under Ellis' rules, but the claim was based on the conviction that teak trees in *kharíf* and garden land are the property of the occupants.

26th March 1886.

At the time of the introduction of the Survey, no intimation was given as to the restrictions placed upon tree cutting. These restrictions were afterwards made from time to time by circular orders. I proceed to quote several orders to show how the restrictions arose. I produce an original *jáhirpatta* (*vide* Exhibit No. 93) dated 14th May 1862, in which only the names of the occupants and the new assessment fixed are shown. There is no mention of trees. An order from the *mámlatdár*, dated the 9th September 1865, to *talátis*, directing that persons who had received permission to fell trees, should apply in writing and state what trees they wished to cut, and fix the period for removal. It directed that the trees should be removed within that period, and warned the *talátis* to warn the people that if these instructions were not followed the trees cut would be considered the property of Government. An order from the *mámlatdár*, dated the 9th May 1866, directing the *talátis* to report how many of the trees in *málki* numbers purchased under Ellis' rules had been cut, and how many remained; also what trees had not been purchased, with their value. Order from the Revenue Commissioner, N. D., No. 2084, dated the 14th May 1866, which I interpret to mean that the *mámlatdárs* were made responsible that they should not allow the people to cut in their numbers more trees than they had actually purchased under the rules, and this though the receipt of the purchase-money distinctly covered all trees in the numbers. Circular order from the Collector, dated the 24th August 1866, on the above, to the effect that a statement should be drawn up to show the details for each number, and that, till the statement was ready, no cutting should be allowed. Notification according to Collector's circular No. 23, dated the 3rd December 1862, on 14th September 1866, which forbade people who had purchased teak, blackwood and other common trees in *málki* numbers and paid the price, for cutting or removing the trees without special permission, and threatening legal proceedings in case of infringement of notification. Order from *mámlatdár* to *talátis*, dated the 14th November 1873, on Collector's Circular No. 5, stating that the Collector had instructed him to prosecute penally any persons who should fell trees (teak and blackwood) in occupied numbers, without having first paid the purchase price. I interpret this to mean that the people who had purchased and paid for trees under the rules were forbidden to cut trees in excess of the number than alleged to have been sold without specially paying for them.

By the Commission.

I think that the above order applies to cases in which occupants had not accepted Ellis' rules; but I do not think it applies to such persons only.

By the Secretary, Thána Forest Association.

Order No. 24, dated 19th December 1873 directing that persons who had purchased trees under Ellis' rules should not be allowed to cut till further orders, which would be speedily given.

By the Commission.

I do not know whether the orders promised were given soon or not.

By the Secretary, Thána Forest Association.

Order from the Collector, dated 21st April 1874, shows that up to that date the list ordered in 1866 had not been made and that restrictions were still kept up against the cutting of trees purchased and paid for under the rules. In the same year another statement was asked for (No. 71, 29th January 1874, to show what private sales had taken place between purchasers of trees under the rules and others. Order dated 13th August 1878, stating that trees which should grow up from the stumps of those purchased would belong to the occupants, and calling for a statement accordingly. This order did not reach the *talátis* till the end of 1879. Circular order, No. 48, dated the 12th February 1880, from Collector on Government Resolution No. 544, dated 31st January 1880, stated that after prolonged discussion it had been decided that all teak trees were the property of Government, and gave orders accordingly.

By the Commission.

I do not think this applies to trees purchased under Ellis' rules, and I do not think that it could have been so understood, but I think it applies to all other trees as for trees in excess of the number entered in the list made up for the purpose of the valuation according to the rules; and trees in garden and *kharíf* land, and trees in house compounds.

By the Secretary, Thána Forest Association.

. Collector's order (*vide* Exhibit No. 94), dated 10th December 1881. This order ordered a record to be made in register No. 1 of all teak trees cut in *málki* numbers, the rights to the re-shoots of which were reserved to Government at the time of sale. I understand this order to apply to trees purchased under Ellis' rules, as well as to trees cut by Government at the request of the occupants, but not bought by them. In support of this I put in an agreement of 1875, in which it is not stated whether the purchase was made under Ellis' rules or under the condition that Government should own the re-shoots. From this I say that no one can tell whether the order applies to such a case as this or not. I would ask a comparison of this order with that given in Exhibit No. 149 of the Thána Forest Association's petition). I now put in circular order (*vide* Exhibit No. 95) dated 27th January 1883, from the *mámlatdár*, which is based on a report from the Karjat *mámlatdár* suggesting that restrictions should be put on the sale of unreserved trees. As there are no reserved trees in Bassein, I think that this order may be the thin end of the wedge to claim that the reservations of Karjat are applicable to Bassein.

Wild Tribes.

The Forest Department employs poor people to collect seeds of forest trees; but there are many who complain that they have received no payment whatever—some for even seven years. I can give the names of several complainants, from Kasidkopar, Paigáv and Chimne villages. There are similar complaints of non-payments for work done in burning pathways in forests. It is admitted that some have occasionally received from six pies to one anna a day. I have taken notes of such complaints from the villages of Mándvi, and Káman among others. There is no complaint of non-payment of wages for felling. The forest tribes now exercise the privileges regarding the collection and sale of dead wood without hindrance. But I must show what various orders have been passed and how these privileges have from time to time been interfered with. There is no guarantee that this present non-interference will be permanent. In 1867 the first circular was, as far as I can ascertain, issued on this subject. This was a circular order (Collector's No. 97, dated 11th November 1867,) forbidding the sale of wood collected under privileges to traders and Ábkári contractors. The order was reiterated in circular No. 67, dated the 2nd December. These orders explain the object and scope of the privileges granted, which may be generally described as a means of giving the wild tribes a means of livelihood and also to enable persons not owning land (except traders and the like) to get their wood-supply. Again (circular No. 109 of 1867-68), the restriction against sale to traders was repeated. In a circular (*mámlátdár's* No. 16 of May 1868) it was explained that the privilege did not apply to reserved kinds of trees. In a circular (*mámlatdár's* No. 11 of 16th December 1867) the sale of baskets and *sups* or winnowing fans made from bamboos obtained under the privilege to traders was prohibited. It was to be confined to local wants. In the circular (Collector's No. 24, dated 24th October 1871,) it was directed that (1) only the dead wood should be collected; (2) that the wood collected under privilege should not be bartered for fish; (3) that it should not be sold to traders, Ábkári contractors and sugar-boilers; and (4) that the wood should not be taken to other villages for sale.

By the Commission.

I do not think that the restriction as regards barter for fish is only applicable to the cultivators, whose privilege extends only to collecting wood for their own domestic wants and not for sale, as is the case with the wild tribes. I do not agree that it cannot apply to the wild tribes.

By the Secretary, Thána Forest Association.

The circular No. 78, dated 24th April 1872, stated that people brought wood for fuel from their own and other villages, and that this was allowed, but that only dead wood should be thus brought. The circular (*mámlatdár's*, 18th August 1873,) ordered that the *kárvi* might be taken by rayats for domestic purposes, not for sale, from village, but not from Government forests. This circular, I think, takes away the privilege of wild tribes to sell *kárvi*.

By the Commission.

I think the word rayat includes wild tribes here. The taking of *kárvi* was up to that time, by circular No. 48, dated 19th May 1873, forbidden, even from village forests or *gávkhap*.

27th March 1886.

I now go on to the period after 1878, the date of the Forset Act. Up to 1882 the wild tribes collected dead wood. In 1882 a general order (Notification 13th October 1882) was passed that no one should carry dead wood from one village to another without a pass. This hindered the inhabitants of non-forest villages from getting firewood. The depôts were at the same time notified and tenders asked. In the notification (*Jáhirnáma* by Divisional Forest Officer, dated 2nd October 1882,) tenders were asked for the supply *inter alia* of (1) head-loads of firewood, (2) bamboos, (3) *bundhis*, (4) *jhitás*, and (5) *kárvi*. It naturally followed that the privileges up to that time allowed to wild tribes were at once stopped, for the contractors acquired the exclusive right to collect the firewood, &c. The conditions of the contract specially excepted the privileges already conceded to villagers to collect firewood, &c., for their own use. But the wild tribes are not mentioned, and I contend that the privilege of

collecting for sale by these was at once stopped, and I will show that these privileges were actually stopped. Petitions were made on the publication of the notification of 1882 regarding the establishment of depôts. As an example I put in the reply given by the Collector to one of these petitions, (petition of Hari Keshav Pátil of Bassein, dated 23rd October 1882), to the effect, that the depôts would cause no inconvenience, as they were designed to supply the people with greater convenience than before (*vide* Exhibit No. 96). A printed form of the license was shown to the Commission by the witness, and an original sample of the agreement taken was put in (*vide* Exhibit No. 97). Many of the petitions were printed in the local papers. Some petitions and even telegrams were sent to the Governments of Bombay and India, protesting against the establishment of the depôts. (In support of this a copy of the Maharashtra Hitechu, a weekly Maráthi paper now defunct, of the 16th February 1883, was put in. In December 1882, Mr. Betham, the Divisional Forest Officer, came to Bassein. I was present. He was told that wood had become very dear. He stated that the depôts would soon be opened and that till then the old system would not be interfered with. On that very date, but after the interview, a notification was received from the Collector which continued the old system unconditionally. Mr. Betham explained that the words, " till the establishment of the depôts," were accidentally omitted. Copy put in of Collector's notification, dated 15th December 1882 (*vide* Exhibit No. 98). On the 18th December 1882, a Pársi, Mánekji Sorábji, who had been present on the 15th December before Mr. Betham, complained in writing that in spite of his statement in the notification, wood purchased by him from wild tribes had been attached. I know that the attachment was removed about four months afterwards. Copy of the petition put in. Mr. Betham came again to Bassein on the 18th December. A petition was made verbally and put afterwards in writing on that date. Copy of the petition put in. Mr. Betham explained that the reason why Mánekji's purchase had been attached was that the depôt had actually been established. No answer had been received up to date to the written petition. After this, in consequence of the interference from the contractors, the Várlis petitioned stating that they supported themselves by selling dead wood, but that the depôtválás had begun to take their wood below its value or for nothing. A specific instance was quoted of the contractors seizing the Várlis bringing wood and taking their wood by force. The prayer was that definite orders should be given as to whether their privilege was intact or taken away. Put in a copy of the petition to the Collector by Várlis, dated the 9th January 1883. No reply has yet been received to this petition. On the 7th February, at the Bassein Road Station, the Várlis brought firewood. There was a quarrel with the contractors; but the Várlis came on to the town. Some wood was sold to a purchaser in my presence. The purchaser and two bystanders and I were brought up before the Divisional Magistrate Mr. Loch. The case was dismissed. The charge was that we had obstructed the attachment of forest wood by a forest officer. The case was disposed of on the 2nd May. The round guard was the complainant. The wood was returned to the purchaser. On 12th February Mr. Loch ordered the *mámlatdár* to take charge of all head-loads brought and keep a list of the persons bringing them in, stating that a reference had been made to the Collector as regards the right of the Várlis, &c., to sell to others than the contractors. I know that the depôt *kárkun* did make a list of some of the carriers and take charge of the wood. On the 22nd February, a notification under Government Resolution No. 587, dated 22nd February 1883, came directing that as the depôts had been established, the villagers were forbidden to bring wood for sale from *gurcharan* lands, but that the inhabitants of forest villages might take from their villages what was required for their own use. Further, it was directed that Mhárs, Várlis, and other wild tribes, should seek employment under the contractors.

The contractor whose tender was accepted took the contract for North Thána, *viz.*, five *tálukás* of Sháhápur, Váda, Dahánu, including Umbargáv, Máhím and Bassein. Another difficulty arose regarding the wood required for sugar-boiling. I petitioned on the 31st January 1883 as follows:—That the contractors claimed the right to sell to the sugar-boilers at whatever rate they liked; that as a fact the people began to take passes from the contractor for Rs. 2-8-0 per cart, while he paid to Government only Re. 1, and so cleared R. 1-8-0 simply for giving the pass. I suggested that Government should direct that the contractor should be allowed only about 4 annas per cart profit, *i.e.*, that they should sell wood for sugar-boiling at the same profit as wood required for domestic purposes. The petition was complied with in a reply given on the same day by the Divisional Forest Officer. The petition contained another request which was also complied with, *viz.*, that the side branches of trees felled by the Forest Department should be allowed to be taken at the rate of the previous year. Petition and reply put in. Though the request was complied with, people came to complain to me that practically they could not get the wood for sugar-boiling on the favourable terms, the sanction for which I had obtained. Owing to the uncertainties and doubts I made a petition, dated the 14th February 1883. A copy put in (*vide* Exhibit No. 99) asking certain questions, which I presented to Mr. Betham. He promised me a reply, but none has yet been received. I then petitioned the Revenue Commissioner, enclosing a copy of the petition to Mr. Betham. The Commissioner referred me to the Collector. I then petitioned (copy put in—*vide* Exhibit No. 100) both the Collector and Conservator of Forests. I put in the replies received, Conservator's letter No. 1603 of 10th April 1883, and Collector's letter No. 2058, dated 9th April 1883 (*vide* Exhibit Nos. 101 and 102). The general result was that the points raised by me were not disposed of. The reply from the Conservator referred me to a verbal reply given to me. I saw Mr. Shuttleworth for about a

minute. I began to detail the grievance of the Várlis. He said that he admitted it; that it could not be rectified that year without risk of a suit against him by the contractor, but promised rectification afterwards. Other points raised by me in my petition were not discussed at all. The agricultural depôts were established soon after the other depôts. For a time both existed side by side. In the former supplies of teak and other building wood, wood for agricultural implements and loppings, &c., for *ráb* were kept. The material was in some degree good and suitable. The good material was really cheap and it was purchased. No one bought *ráb* material. This came from a distance of four miles at least. A cartman told me he received twelve annas per load. Taking the cost of cutting also into consideration, the price was naturally more than any one could afford to pay. My opinion is that if the materials for agricultural purposes were supplied from such depôts at cost price, a price including the cost of cutting departmentally and carriage, no practical man could untilize them. No *ráb* material is now brought to the depôts. Wood for ploughs is still sold. People cannot afford, except in rare instances, to purchase such wood. As a fact, people have avoided the depôt and got their wants supplied as before from the jungles, in spite of the strict prohibition. It may be said that almost without exception every rayat is a participator in the theft from Government jungle. Now and then some are punished.

I wish now to give specific instances where people acting within their customary rights have been punished or put to annoyance—(1) In the village of Chandansár, all the unappropriated grazing was notified in 1879 as forests. In December 1885 sixty to sixty-five head of cattle were pounded. The fine of Rs. 22 was levied at the pound.

By the Commission.

I do not know in what particular number the cattle were caught. I do not know whether the grazing of the land had been sold by auction.

By the Secretary, Thána Forest Association.

(2). One Kashtya Gavat of Chándip, went to the forest and got wood for a cart-axle in December 1885. He met the forest sepoy, who took his axe, but left the axle wood alone. (3) Háso Dharma Pátil of Párol was imprisoned for eight days for cutting *khair* wood for a plough in Májivli forest, about five or six years ago. (4) Jagya Morikar, in January 1886, was bringing a cart-load of firewood from the Párgáv forest to his village of Mori. The sepoy stopped the cart, which has been in the care of the *pátil*. (5) Jivant Sukyra Pátil and two others of Khánivde were bringing carts of firewood from the Sakvár forest this year. They met the sepoy, but succeeded in squaring him and taking the wood. I have other instances. I believe that people are forced to steal—that some are punished and that others get off by bribing the guards. As long as the present demarcation of forest exists, so long will this state of things continue.

A *kabuláyat* of 18th December 1866 shows that there was some demarcation of forest at or before that date. The *kabuláyat* was regarding the clearing of the line from cairn to cairn. The villages in which demarcation was made are those in which in the *sud* or revenue register there is a note showing the area of the Government forest and the village forest; where no such note is found there was no demarcation. There were notes at least in twenty-two villages. In these in all Government forests comprised 20,181 acres and village forest 16,344 acres. There are 1,791 acres entered as *gurcharan* or as free *gurcharan;* five hundred and ninety-six acres as *rán rakshan karun gure chárávi,* Cattle to be grazed preserving forest, and the like; one thousand five hundred and eighty-four acres are *khájan* or marsh land. I put in a statement (*vide* Exhibit No. 103) showing the names of the villages and the details. By the late settlement, 14,957 acres of the village forest were declared reserved forest, and 1,387 acres were disforested. Of the *gurcharan* 1,487 acres were disforested and 304 acres were retained either as Reserved or Protected. Of the *rán rakshan* area 284 acres were disforested, and 312 acres were retained as forests. Of the *khájan land* 580 acres were taken up for forests.

29th March 1886.

In the notification in the *Government Gazette* of March 1879, the numbers of land put in the Reserved and Protected forests only were given, and in some villages a detail of these numbers was given. In neither the general nor the individual notification was the area of each number given. There are eighty-eight *khálsa* villages. In all but three some area was made forest. My interpretation of section 34 is that Government could only under that section notify land already under the administration of forest, either as Imperial or as village reserves. Instead of this, every bit of available waste land was included. In the three villages, where there was no waste land at all, no forest was notified. In this way all *gurcharan* and much land in individual customary usufruct was at once made forest. Even burial-grounds, and even the *mámlatdár's* office compound was made forest, and this in spite of the words "Justice, equity and good conscience."

The next step was to appoint forest guards. People were punished for grazing in customary grazing land and for cutting mangroves in salt marshes. I have given as an example

the pounding of cattle in December 1885 at Chandansár. There was no former Imperial reserve or village reserve in that village. All the waste land was in customary usufruct, and people were punished for grazing in such waste land, which I maintain should not have been reserved, even as Protected forests, under Section 34 of the Forest Act. Whether the pounding was legal or not I cannot say; but I do say that the owners of the cattle could not at any rate have known what portion of their previous usufruct was confirmed or what taken away. After the Settlement Officer had made his report and the Government Resolution of 22nd July was passed, notification of the 15th August was given to all the villages in which Protected forest area was proposed to be made Reserved forest, under Section 4 of the Act. In the notification, though by law (section 4), the boundaries of the land should have been specified, nothing was done more than to give the survey numbers. In cases where only parts of numbers were proposed, the parts were not specified; only the area of the part was given. It was therefore impossible for people to know what Government proposed to make Reserved forest, and they could not therefore claim their rights under section 6.

By the Commission,

Some people did go to the Settlement Officer, but when they found that claims of customary usufruct would not be considered as rights it was useless their finding out what part of the numbers was reserved and what not. I do not know whether any one asked for a definition of the limits of the boundaries. At the time of the notification there was no mark on the lands to define the limits of numbers notified.

By the Secretary, Thána Forest Association,

Of the 85 villages only 53[1] remain now as forest villages. The forest has been disforested in the others. In one only is there only Protected forest (Dongre). There are 26 villages in which there is no Protected forest. There are about 3,000 acres of Protected forest in the *táluka*. The area per village varies from six acres and a half to 476 of Protected forest. Privileges have been conceded in Protected and Reserved forests. Certain areas originally notified as Protected forests under section 34, have since been disforested. I have a doubt whether such area can be disforested under the Forest Act. I fear the result of this disforestment will be to deprive the people of any rights exercised by them on such land, previous to its inclusion in Protected forests, under section 34. I have read the last clause of section 34, and I know that the rights over the lands notified as Protected forest have not been recorded under this clause. Government by granting concessions to the people in the Protected forests have presumed that the people had no rights in such lands. I do not know whether it is open to the people to establish these rights in the civil court or not. Government having granted as concessions what the people claimed as their rights, it is not to be expected that the Government would of their own motion admit their rights. The people consider it a grievance that they should thus be compelled to go to the civil court to get their rights recognised. Formerly people exercised the right of bringing every description of forest produce for domestic and agricultural use and for sale, either within or without their district. Government exacted fees on certain articles. As proof of such rights, I put in an extract (*vide* Exhibit No. 104) being paragraph 9 of a *sanad* issued by the British Government to one Fakki Mahomed Arai, granting the village of Poman in part *inám* and *khoti*. It is dated 1st December 1832. Paragraph 9 of this deed stipulates that the alienee shall not prevent the inhabitants of the village and those of other villages, who as usual took away *kábád* or forest produce either for domestic use or for sale, from the forest of the said village. I put in also as evidence of such rights, conditions of sale of the right of collecting fees as granted by Dr. Gibson. In this the farmer is restricted as follows:— Fees were not to be levied on head-loads sold in the *táluka* or on head-loads of *karvi*, bamboo, or *bánkáthi* or slender bamboo imported into the *táluka*. But if the same be sold for the purpose of being carried to a bunder, the fee was to be levied. Wood required by the rayats for fuel and ploughs and other agricultural purposes was not subject to a fee; so wood for building purposes could be obtained free; but the *mámlatdár's dákhla* was required. I put in also similar conditions made in contracts with farmers. In 1851 wood for sugar-boiling was permitted on the same conditions as wood for fuel subject, however, to special precautions to prevent abuse, with indication that the privileges would be revoked if abused; similar conditions existed in the contracts up to 1858. In an order of the *mámlatdár's* referring to a Government Resolution which forbade the rayats of one village taking *tálál* and fuel from another village (Collector's circular order No. 57, dated the 6th February 1876, was put in), it was directed that in villages where there was great scarcity of *rán*, and where it was proved that the people had for many years enjoyed the *vahivát* of taking *rán* and fuel from neighbouring villages, they should continue to do so. The circular stated that the order was given by permission of the Revenue Commissioner. I know what the present privileges are. The results of the privileges now granted are as follow:—(1) Most of the *rán* will have to be

[1] In his letter to the Secretary, Forest Commission, Mr. Lakshman Náráyan Sadhle writes that he was wrong in stating that the only village with Protected forest was Dongre, the village having neither Protected nor Reserved forest; that the villages which have only Protected forest are Bápáne, Kashibkopar, Koshimbi, Gáskopri and Tulinj; that instead of twenty-six villages as stated in the examination there are only twenty-five villages with only reserved forest. Also the number of villages having both reserved and protected forest is twenty-two instead of twenty-six. The number of villages with forest is thus fifty-two and not fifty-three as mentioned in the statement.

bought. (2) The fuel and wood for agricultural and other purposes will mostly have to be bought. (3) The non-forest villages will get no privileges at all. We shall not be able to get earth and stones for repair of boundaries from Reserved forest without getting the permission of the forest guard. I with others saw the Revenue Commissioner at A'gáshi in April 1884. He told us first to apply to the Conservator and bring his reply, if we wished. We went to him. He said he could not go beyond the orders of Government. Our complaint is that while we sought to obtain redress, neither of these officers forwarded our statement of grievances to Government. We went to the Collector, who replied that the matters were under consideration, and that probably a committee would be appointed during the rains. Then we went to the Commissioner, who told us that we were asking for more unrestricted privileges than we had ever enjoyed, for free enjoyment of almost every description of forest produce. He stated that if he could suggest additional facilities in the application of the order of Government, not inconsistent therewith, he would be glad to render whatever assistance he could give. All this was before the settlement of 1885 was proclaimed. Our object was to secure in the final orders the redress we wanted. We did not go to the officer making the demarcation.

By the Commission,

I did not produce the evidence now produced to prove that the so-called privileges were rights before the Demarcation Officer. It was his duty to use the evidence in Government records. It does not appear to me that he duly considered the provision of Section 7 of the Act. If he had, he could not have found, as free of rights, land entered as for free grazing in the Survey *sud* or Revenue register.

By the Secretary, Thána Forest Association,

I know that certain entries in form No. 1, regarding the proprietorship of fruit trees in unoccupied land, were erased in 1882. The Settlement Officer did not record any individual rights to trees in unoccupied land, but only rights of way, and rights to the use of wells, &c. As regards the rayats planting trees, it used to be urged on the people that they should plant in waste land. In 1884 circulars were issued warning them to plant in their *málki* numbers. In 1884 a circular directed them to plant *bábhul*. No one obeys the direction. They do not trust Government. They lost what they planted in waste land under directions. They plant mangoes and the like, but not those trees enjoined by the circulars. Some of the trees planted in waste land are of a kind which would not grow without being planted, *e.g.*, mangoes, tamarind and *jámbhul*. In my own village, as well as in other villages, where the *shindád* lands are most distinctly in individual *vahivát*, their property in trees has been lost by the inclusion of lands in the forest. As regards grazing, it was never the custom of the villagers to confine their grazing to their own villages, and never can be. This and similar customs cannot be confined to the limits of fixed villages. The restrictions which are now confined to revenue divisions cannot be carried out. For instance, where people live in Bassein and own land in Máhím they cannot be asked to go to Bassein forests for their wants, and cannot be prevented from going to their customary places in Máhím. Some, as residents of forest villages in Máhím, have privileges there which as inhabitants of non-forest villages in Bassein they have not, nor can it be supposed that all the requirements can be supplied from any one forest. These people resort for particular things to places where those particular things can be got. In the face of the numerous orders and circulars regarding the people and restrictions on them, it will not be found that there are more than one order against the malpractices of traders. It cannot be supposed that they have not gone beyond the words of their conditions. The last time we went to Mr. Shepherd, he said that it was no use our going to him any more; that he had done all he could, and could do no more.

30th March 1886.

By the Commission,

I think that if *nákás* are established at the bunders and the railway stations, in order to prevent wood and other forest produce, granted to the people at favourable rates for local consumption, being sold to the traders, or in short being used for purposes other than for those for which the grant is made, the Forest Department would have it in their power to stop such malpractices. I do not think the people would view the establishment of such *nákás* with satisfaction because they like nothing new, but I believe in time the *nákás* would be satisfactory to the people. It is necessary to prevent damage to forests, and it is said that the only way to prevent such damage is to prevent the people cutting wood in the forest. It is suggested that the forest should be divided into compartments and that fellings should be made by compartments. I think that this plan is fair, provided the compartments are conveniently situated. I think that the prevention of cutting, by the villagers, in the forests is fair as regards the residents of non-forest villagers. But that with regard to forest villages, the plan is neither reasonable nor feasible. I do not think that the owner of a *pánmala* would allow a purchaser of one hundred leaves to go into the garden to cut the leaves himself. I agree that the analogy applies to forests; but that forest officials are not like the owner of the garden, but more like the servants of the owner, who would not take so much care in cutting the leaves as the owner himself. I can suggest no feasible plan by which the wants of the people can be supplied, without permitting those who live in forest villages, cutting

for themselves, and by which the damage consequent thereon to forests can be prevented. I admit that damage to forests must be entailed by the people cutting without knowledge, but I see no way to help it.

People have not assisted the forest officers to detect and stop the malpractices of traders. People know all about the malpractices, but because they know that the forest officials are in collusion with the traders, how can they be expected to go to these officials to complain? What would be the good? I do not mean to say that the higher officials are corrupt, but how can the people always go to them? I have tried to assist the forest officials. I once showed to Mr. Shahâne some green wood cut by contractors for dead wood. He warned the contractor not to cut green wood. I showed to Mr. Betham carts with cut timber, taken under the contract for fallen wood. I mean carts with wood which would sell for Rs. 10, perhaps for Rs. 50, which have been obtained at one rupee per cart. He did not take any action. The wood was not quite green. Mr. Betham said that the contract for that year had been given and that he would take steps to prevent such things in future.

At the survey all *shindád* land which was in individual usufruct, was not put into the names of the usufructuaries. If application had been made, this request would have willingly been complied with. They hesitated because they did not know that a heavy assessment would not be placed on the land. When firepaths are burned or cut in the forests, I do not know that the people are only employed in the morning or evening, or for how many hours they are employed. Grass is sent from this *táluka* to Bombay. Private people and contractors take it. I do not know if grass fit for being sent to Bombay is to be got in forests. I cannot say whether this export results in diminution of grass for cattle, and therefore of cattle, and therefore of cow-dung for *ráb* and of grass for *ráb*. If much is exported, such results must occur. I do not know anything about the extent of the export. If a man were to cut the grass in his *varkas* and send it to Bombay, and then ask for grass from forest, he would be doing an unfair thing if he has no right over the grass of the forests; but if he has, his action would be fair. The *varkas* allotments were made to increase the area of revenue-paying land, not to give the people land to supply their wants of grass, *ráb*, &c. The object of *varkas* being attached to rice land is of course because the former is a necessary adjunct, but that was not the object of the allotment of *varkas* at the Survey. There are no restrictions in this *táluka* of common trees. Many have cut such trees for sale. I have not cut for sale. Excessive sale of trees in their land is short-sighted and unwise on the part of the owners. Some are wise, but others are tempted by the high prices obtained.

Q.—Do you not think that such persons have a less right to complain against the restrictions?

A.—Yes. Population has increased and is increasing. What is wanted is a fair division of forests between the Government and the community, and the regulation of the latter division by proper restrictions. This done, restrictions may fairly be placed on the cutting of wood in *málki* numbers, *e.g.*, no one should be allowed to cut for sale unless he has more than he requires, and then only by permission. I would impose these restrictions even in *tálukas* where now the people are at liberty to cut all kinds except royalty trees. If it is clear that such restrictions are made only for the benefit of the people, they will consent to their imposition. But legislation will be necessary. When population increases, further allotments will have to be made. This will have to go on till all forest has been allotted. No allotment can be final.

I wish to add one document. This shows that the Forest Department cut fifteen toddy palms, some in his *málki* numbers, and some close by in Government waste land, trees entered in his name in the accounts. He asked for the price—(Here the petition of Vináyak Bápuji Vákankar of Ágáshi in 1880 was put in. The *mámlátdár* replied that the assessment on the toddy trees had been taken off, and advised him to apply to the Forest Department for the price if he wished. The price was refused by the Forest Department on the ground that the property in the trees was not his. This only was given verbally by the forest guard, according to orders on 18th April 1885. This order was passed in the same year as Government Resolution No. 5362, dated 1st July 1885, which recognized the doubt as to the ownership of such trees.

I cannot say whether the number of cattle in the *táluka* has increased or decreased in the *táluka* of late years.

WITNESS No. 57—(BASSEIN *Táluka*).

30th March 1886.

BISTUR SUKTYA PÁTIL, a Koli, fisherman, aged 50, residing at Bassein, stated in reply to questions.

By the Secretary, Thána Forest Association,

I am not a *vatandár pátil*. There are five or six hundred houses belonging to Kolis at Vasai. There are eleven places in the *táluka* where Kolis live. In all, the population may

be 2,000 houses. We live by fishing. I own twenty-five nets, ten large and fifteen small. We require *ain* bark for tanning nets. The large nets have to be tanned twice a year, while the rest five or six times. We used to get the bark free till about fourteen or fifteen years ago. Before that for about fifteen years we used to have to pay a fee of three pies per head-load. Now we have to pay Rs. 5 per candy, which is about nine head-loads. The fee was raised at once from two annas and a half to Rs. 5 per candy. I put in a petition of 1871 complaining against the stopping of the bark-supply and asking that a fee might be fixed. The Collector replied that the *chilári* bark had been farmed, and that the Kolis could get that. We petitioned the Commissioner and explained that *chilári* bark could not be utilized for sea nets. The Commissioner refused to alter the order of the Collector. Now we cannot get the *ain* bark even at Rs. 5 per candy. We require about 200 candies of bark for three Koli settlements (Nagar, Kohid and Vasai.) Only thirty-two candies have been made available this year for our three *vádás*. We petitioned for more. Last year we got 120 candies. I require two candies and a half myself. We get the *ain* bark direct from the forest. It is brought to the bunders for sale. This year it was all brought to the Usgaon bunder. When the three pies fee was in force, we paid no cash, but bartered for bark with fish with the Thákurs and Várlis. The fee represents what we paid the contractor. The fish we gave represented the price. We used to give about Rs. 1 to 1½ for the fish required to be given per candy. We complained both of the price charged and the insufficiency of the bark supply. We get our fuel-supply from the Várlis and others by bartering fish with it. We buy the wood at Usgaon, Bhátáne, Manor, and such places on the coast, and bring it by boats. We have to obtain permission from the *nákedárs* and pay fees at the rate of 6 annas per candy on the total tonnage of the boat, irrespective of the quantity carried. Often we pay for the full tonnage and bring much less quantity, as there is not sufficient wood to be had. In Dr. Gibson's time a fee of three pies per head-load, or one anna and three pies per candy was first imposed in 1851, but as we protested, the fee was reduced to one pie per head-load, or five pies per candy the next year. In 1862 the fee was raised to three annas per candy. In 1882, the rate was raised to Re. 1, but again reduced to six annas in 1883. This rate is still in force. We consider the rate to be too heavy, and would wish it to be reduced to Dr. Gibson's rate of three pies per head-load. We buy wood for building purposes. Some years ago, when the houses in Vasai Kolivádá were destroyed by fire, we applied for a free grant of timber, but our application was refused by Mr. Gibson, on the ground that we were not land-holders. We use mangrove fuel while in boats, but we are stopped from taking it by the Forest subordinates.

Witness No. 58—(Bassein *Táluka*).

31st March 1886.

Bendu Keshao Pátil, Shámvedi, cultivator, aged 38, residing at Vatár, stated in reply to questions

By the Secretary, Thána Forest Association,

My father is officiating *pátil*. He holds land, thirteen acres of garden and eleven acres *kharif* and ten acres of *varkas*—all in one village. His assessment amounts to Rs. 148. We cultivate the land ourselves. The *várkas* is without trees and only produces grass for grazing in the rains. It is not fit for *ráb*. We use refuse cane and cow-dung for *ráb*. The dry leaves of cane which are tied round the trees and the refuse portion of plantain trees are used for *ráb*. The *ráb* is burned on the garden land which is used as the nursery to rear rice seedlings. The seedlings are carried two or three miles to the rice fields. The *rábing* in the garden land is also necessary for sugar-cane. This crop will not grow on *unrábed* land. Sugar-cane stalk *ráb* is better than *táhál ráb*. The cow-dung collected in the monsoon is used as *ráb* as well as that collected in the fair season. Garden land is divided into three portions: (1) for plantains and sugar-cane; (2) for *náchni, vál* and *udid*; and (3) fallow after rice seedlings have been raised and taken off.

In the first portion the proportion of sugar-cane used to exceed that of plantains twenty years ago. Now the reverse is the case. The reason is the difficulty of getting wood for sugar-boiling. The kind of plantains has also to some extent been changed, *basrái* plantains replacing *rájeli*. The latter requires props to keep the plants standing during the rains. Props cannot be got, and hence the substitution of a variety not requiring the props. Six hundred plants of the *rájeli* plantain go to an acre and as many props are required.

Up to 1859-60 we used to get wood for sugar-boiling free from the forest. We used to cut and carry the wood ourselves. In 1862-63 a fee of 4 annas per large (Mánikpuri) cart was imposed. In 1864-65 the *pátils* and *kulkarnis* were directed to take Rs. 9 per acre of cane (*i. e.*, Rs. 2¼ per 1,000 *ultis*) at the *jamábandi* for the privilege of cutting and carrying the wood as before. Twelve carts of wood are required per acre. After two or three years we were required to pay 12 annas per cart-load to the *mámlatdár* and take a pass from him before cutting the wood. The *mámlatdár* further decided where we were to go for the wood This system lasted two years and this having been stopped we were obliged to use the lower por-

tions of bamboos cut by the traders who took off the upper portions. These lower portions of the *padhai* bamboos measured 10 to 12 *háts* or cubits. The traders' employés used to climb the bomboo and cut the upper portions, leaving the lower portions standing. These leavings we were allowed to take free. They did not serve for sugar-boiling. We only used them because we could get nothing else. After about two years this system ceased and we had to get the wood needed from Government fellings. We paid Rs. 1-10-0 in 1876 per cart; in 1877, Rs. 1-6-0; in 1879, Rs. 2-0-0 for fallen wood, and Rs. 1-10-0 for side branches. In 1879 we paid Rs. 2-0-0 for all kinds, up to the time of the establishment of the agricultural depôts in 1883. We could not get wood at the depôt and used to pay Rs. 2-8-0 per cart to the depôt contractor and fetch the wood ourselves. In 1884 we got no wood at all from forests. There were no fellings. In 1885 the fellings were made and the wood was stacked in the forests. The charge was Rs. 2 per cart and two stacks only were allowed to be put in, though the carts were capable of holding three stacks. Partly for this reason and partly because we could not get the wood in proper time we purchased very little. The stacks are made this year as last but the charge is only Rs. 1-8-0 per cart, in which however only two stacks were permitted, though the stacks are of the same size. The number of the stack was specified in the permit given and no other stack was allowed, and we were obliged sometimes, because we could not load the stacks made up of irregular, crooked and branchy pieces, to take our carts back empty. We were not forbidden to cut the wood of the stacks but it was too knotty to be cut by the ordinary axe. The fellings were made this year in time, but different dates were fixed for each village to take its supply. The 23rd January, 1st February, 5th, 9th and 13th February were named for our village to fetch wood from Táka and Karjon, eight or nine *kos* off. We lost time. One day we went to the *náka*, next day we got the permit and had to wait till about fifty carts had been collected, when the Sub-Assistant Conservator went with us to point out our heaps. We had to clear out of the forest by 5 P.M. whether the loading was completed or not. We could not leave our carts in the jungle. After the dates fixed, we were permitted to go on any date we wished to Káman. Mr. Blackwell was the Sub-Assistant Conservator in charge. The Káman stacks were rather small and when we asked for permission to load more than two Mr. Blackwell threatened to strike us.

I made no objection to the length of the wood felled for us. The long pieces were more convenient for loading into four carts. Others made this objection, still they took the wood. The stacks at Táka and Karjon were all taken off to Káman; some remained because Mr. Blackwell had to go away to conduct auctions. In some of the stacks pieces of *khair* were occasionally found, as of teak and *bibla*. Such pieces were taken out of the stacks by the peons and we were not allowed to take them.

The objections as to the length of the wood were not made from any idea of utilizing the wood for other purposes than sugar-boiling.

The sugar-cane refuse cannot be used for boiling because we want it for *ráb* and because it will not make *gul*. Our pans are deep and narrow and made of copper. We have to feed from a distance. The sugar-cane fuel is burnt up before it gets under the pan. The Poona pan will not do. I went to Poona to get one to try it as I heard from the above Ghát people that if we used this pan we should be able to boil the juice with the refuse cane. I made the experiment last year. We could not remove the scum so thoroughly and so the *gul* was soft. Our cane is irrigated cane and we use oil-cake as manure. This may partly account for the result; but I do not know anything about the cultivation of cane at Poona. I threw the pan away though it cost me Rs. 22 besides the railway charges for myself and the pan.

As long as *tokar* and fuel were supplied free we used to be able to get props for plantains, *i.e.*, up to 1860-61. The supply of *tokars* ceased then because they were not to be had in forest. About five years ago the supply began again. From 1860 to 1871 we utilized part of the wood obtained as fuel for plantain props. These props must be about eight cubits long. The objection to the length of the wood felled for sugar-boiling was not promted by the need of props of eight cubits long, though some of the wood was suitable for props. Since the Government fellings have begun for the fuel-supply no props have been obtainable from the fuel and the cultivation of the *rájeli* plantain has declined. This is the variety from which dried plantains are made. When people have *bhendi* rafters as supports they still grow the *rájeli* plantains. The trade in dried plantains has greatly declined.

We want to inform the Commission that we want facilities for obtaining wood—(1) for sugar-cane mills, (2) for the Persian wheels, (3) for carts, (4) for fuel, (5) for plantain props, (6) for fences in garden land, (7) for sugar-boiling, and (8) for *mándavs* over the sugar mills.

About Rs. 60 are required now to set up a sugar mill and the *mándav*. In this about Rs. 25 represent the cost of the wood. We are willing to pay Rs. 10 and think that Government ought to give us the wood for the price. It would not do to return to the 12 anna fee. The ryats are poor and assessment high; we want firewood free. The wood for the water wheel should be given free, and all other wood except that for the sugar mill. I show a copy of an agreement taken by the *mámlatdár* from *pátils*, dated 20th December 1885, requiring them, on the requisition of the Forest Officer, to accompany persons going to take wood for sugar-boiling and prevent them from disobeying the regulation. My father was one of the *pátils* who signed the agreement.

By the Commission

I do not know how many candies were in each stack. The Forest Officers said they were one candy and a half. I did not test this assertion. Our carts carry two candies and a half, if fully laden. A cart filled, as we have to fill from the stacks, would contain wood which would cost Rs. 4. I do not know the price of firewood by the candy or cart-load but only by head-load. Last year I only got five or six cart-loads from the forest. I had to buy wood at Rs. 5 per 100 head-loads or per cart-load. It would have been cheaper in the forest, but the wood was felled too late. It took five or six days to make the trip. When I bought wood last year at the bunder I paid Rs. 5 besides the cost of carting for two days. There was in my presence one dispute about the fixing of the stack we had to take under the permit. Some of the stacks did contain wood useless to us, *e. g., pángára.* We wanted to substitute part from other stacks, but were not allowed. In 1885 the wood was not ready till after the 15th February. The boiling began about fifteen days ago. But the wood was not dry and we must get the wood before that time, for our cattle and carts are required for other purposes. We cannot sell our cane as raw cane. We must make it into *gul.* There is no demand for eating cane here worth considering when the large extent of cane is taken into estimation.

WITNESS NO. 59—(BASSEIN *Táluka*).

9th April 1886.

WRITTEN QUESTIONS FORWARDED BY THE FOREST COMMISSION TO RÁV SÁHEB ANNA GOPÁL KOTVÁL, MA'MLATDA'R OF BASSEIN, WITH THIER ANSWERS.

Q. 1.—When was the Revenue Settlement introduced in the different villages of your *táluka?*

A.—At the time of the Revenue Settlement there were 100 *khálsa* villages and four *inám* villages in this *táluka.* The Revenue Settlement in all the 100 villages was introduced in 1861-62. Of the 100 *khálsa* villages, seventeen were transferred to Bhivandi *táluka* during the year 1862-63, and five villages were transferred to this *táluka* from Máhím in the same year, *viz.*, Bhálivli, Hedavde, Chimne, Sakvár and Khánivde. In these latter villages the Revenue Settlement was introduced in 1862-63. There are thus eighty-eight *khálsa* villages in Bassein *táluka.*

Q. 2.—How was the *varkas* land treated at the time?

A.—Such of the *varkas* land as was found at the time of the Survey Settlement to appertain to *kharíf* land belonging to individual rayat, was measured and attached to the *kharíf* numbers as *pot varkas,* while other *varkas* land which was not found to appertain to a particular *kharíf* number but was at the time of the survey found to be in the occupation of the rayats, was made into separate numbers and entered in their names. The names of individual occupants of *pot varkas* as well as separate *varkas* numbers were entered in *jangal kharda* and *botkhat* prepared by the Survey Department at the time of the Survey and given to *táluka* officers. *Pot* numbers of *varkas* land according to individual occupation have not been made, consequently it is impossible to ascertain from the Survey records which particular piece of *varkas* land is in the occupation of a particular occupant. In the land register or survey *sud* given by the Survey Department at the time of the Settlement the area of *pot varkas* and entire *varkas* numbers have been shown in lump with a remark against the latter "*khapácha.*" The *varkas* land in the occupation of each individual can, however, be found on the spot according to individual *vahivát.*

Q. 3.—Were all the lands in which people habitually cut *táhál* measured off, and included in occupied numbers? If not, have any measures been taken since to mark off such lands?

A.—Such of the lands as were found at the time of the Survey in which people habitually cut *táhál* were measured off and included in their occupied numbers, but those which were not so found, or which were not then brought to the notice of the survey officers as such were not included in their occupied numbers. Since the introduction of the Survey Settlement the following applications for the inclusion of *táhál* or *shindád* lands were received and disposed of:—

1. One Sákharlál Khushál made an application to the Collector on the 13th January 1864, praying that his *shindád* lands at Pelhár which had been included in Government land might be given back to him. The Collector of Thána passed an order thereon on the 27th May 1865, that as the lands in question had been included in *gurcharan* his application could not be entertained.

2. Vináyak Gopál Bhide applied on the 4th December 1864 to the Collector of Thána, praying that his *shindád* land at Pelhár included in Government land might be

marked off and entered in his name. The Collector passed an order thereon, dated 11th January 1865, informing him that the land in question having been included in *rán rakshan* and the Survey Settlement having been introduced long ago, his application could not be entertained.

3. Pándu Ṇána and others residing at Daisar applied to the Collector in November 1865 to have their *shindád* land marked off. Their *shindád* lands were marked off separately in December 1866 by the Survey Department on the ground that this particular piece of work was not done at the time of the Survey as has been remarked on the *sabanda padicha takta.*

4. The rayats of Páigaon applied to the Assistant Collector in charge of the *táluka* on the 7th April 1864, praying that their *mál varkas* lands included in *parigh* at the time of the Survey might be marked off separately. Correspondence ensued thereon and the Assistant Collector issued order, dated 28th April 1864, that their lands having been included in *rán rakshan gurcharan*, and as they were accordingly informed at the time of the introduction of the Revenue Settlement their application could not be entertained.

Q. 4.—What *sherás* were written opposite the waste lands of the villages?

A.—I attach a list of *sherás* written opposite the waste lands of the villages in this *táluka* (*vide* Exhibit No. 105).

Q. 5.—Have they since been altered?

A.—Before the first demarcation was made the area set apart as *parigh* in each of the thirty-three[1] villages as per annexed list (*vide* Exhibit No. 106) was shown as such in the survey records. This area was divided into two survey numbers in the first demarcation and designated as *gávche rán* and *sarkári rán.* Except this no other alteration has been made in the original *sherás* written opposite the waste lands at the time of the Survey Settlement.

Q. 6.—Do the people claim any *málki* trees in the waste lands of the villages? Was any inquiry or settlement concluded with regard to such trees? If so, describe the settlement and state whether it is still in force or not?

A.[2]—Before the Revenue Settlement people claimed *málki* trees in all the waste lands. Before the Survey *kharíf* land was only entered in the names of rayats and the *varkas* land was occupied by them according to their *vahivát.* But in the Survey Settlement the *varkas* land which was found on local enquiry to be in occupation was entered in their names. The rayats, however, continued their claim to trees standing in waste land which was not entered in their names. In the Collector's Circular No. 153, dated 15th June 1868, enquiry was ordered to be made as to trees in waste land not entered in rayats' holdings. The enquiry was made through the *pátils* and *talátis.* They furnished statements showing the number and kind of trees and the names of rayats who claimed them, which were submitted to the Collector for approval, and upon their approval by the Collector, remarks were made against such waste land in Village Form No. 1 to the effect that so many trees of such and such kind were *málki* trees. Subsequently under orders of the Collector of Thána communicated by the Assistant Collector in charge of the *táluka* in his vernacular No. 44, dated, July 1882, the words *málkichi* were erased. It would, therefore, be seen that the said enquiry or settlement is not now in force.

Q. 7.—Have there been any alterations in such records?

A.—The answer to this question is given in the latter part of the preceding answer.

Q. 8.—Give the history of trees in occupied numbers. Give a sample of the entry made in Register No. 1 of such trees by Mr. Nairne.

A.—As I have said above the *kharíf* land was only entered in the names of individual rayats before the Revenue Settlement, the *varkas* or *shindád* land as was then called, being occupied by them without any restriction as much as they required for agricultural and other purposes. The history of trees in such *varkas* or *shindád* land is as follows:—

1. In Collector's Circular No. 13, dated 17th January 1841, it has been directed that the rayats should be prohibited from cutting teak trees without Government permission, but that no objection should be raised to the rayats to cut down *injáili* trees except teak.

---

[1] From a subsequent communication from the Mámlatdár of Bassein it appears that the *parigh* area was set apart in 29 villages only.

[2] In his letter No. 59, dated 2nd July 1886, Ráv Sáheb Ánna Gopál, Mámlatdár of Bassein, requests that the following may be substituted for the answer to question No. 6 of the set of questions answered by him on the 9th April 1886:—

I do not find any record to show that authoritative enquiry has been made as regards fruit trees in waste land. As a matter of fact, however, there are *sherás* in Village Form No. 1 of some villages in this *táluka* to the effect that so many trees are *málki* trees. No authority has been quoted in support of these *sherás;* and I believe that the *talátis* have made them as per paragraph 6 of explanation on Village Form No 1 in the Revenue Account Manual. The word *málkichi* has since been erased under the authority of Collector's orders communicated by the Assistant Collector in charge of the *táluka* in his vernacular No. 44, dated——July 1882.

2. In Collector's Circular No. 60, dated 11th August 1841, it has been directed that the rayats should not be prohibited from cutting down trees for fuel as usual, as also for wood for building purposes and carts.

3. On the 26th February 1849 the Collector of Thána issued proclamation No. 3 to the effect that the rayats have no right over teak and blackwood growing in their *shindád* land attached to their *suti* land. They might, however, cut trees other than teak and blackwood for their agricultural purposes.

4. Collector's Circular No. 49, dated 12th August 1847, states that the rayats have a right over trees in their *shindád* land.

5. In Collector's Circular No. 109, dated 8th July 1858, the rayats have been allowed to cut *shindád* of trees mentioned therein for *ráb* purposes.

6. Collector's Circular No. 35, dated 30th October 1858, directing that the rayats should lop side branches of trees in their *shindád* land.

These orders have been passed before the Survey Settlement. There is no mention made as regards trees in *málki* numbers in order No. 233, dated 12th June 1862, given by the Superintendent of Revenue Survey, introducing the Revenue Survey into this *táluka* in 1861-62. The Collector of Thána issued orders on the Revenue Commissioner, N. D.'s No. 2545, dated 13th October 1862, in which a set of rules regarding trees in *málki* numbers have been drawn up. In the said letter right over trees except teak and blackwood in *málki* numbers has been conceded to the holders of the said numbers, while teak and blackwood trees standing in *málki* numbers have been directed to be sold to the holders of the *málki* numbers. The Collector's Circular No. 23, dated 29th August 1866, directs that the joint report rules have never been made applicable to this *táluka* as regards trees, but that the right over trees should be disposed of according to Mr. Ellis' rules. After the receipt of the Revenue Commissioner's rules the teak and blackwood trees in *málki* numbers were counted by the *taláti* and their value made under orders of the 2nd Assistant Collector in charge of the *táluka*. Lists made by *talátis* were submitted to the Assistant Collector for approval, and on their being approved the number and value of trees were noted against each survey number with the name of the person who paid the value. Subsequently Mr. Nairne verified these entries and made his signature, a copy of one of which is herewith forwarded as a sample.

Q. 9.—Do you think the State interference in the tree-growth of *málki* numbers should cease?

A.—I think the holders of *málki* numbers should be encouraged to increase the growth of all kinds of trees in their numbers. Any interference on the part of the State which would be likely to dishearten the rayats to increase the growth of trees should cease.

Q. 10.—Do you propose any restrictions in the way of the occupants disposing of their trees?

A.—I think the occupants should be restricted from disposing of their trees for trade outside Bassein, as by this restriction their *málki* land would not be denuded of trees. In this *táluka* the holders of *málki* numbers sell trees in *málki* land to traders, who cut them and take the wood to Bombay and Gujarát. If no restrictions of any kinds were placed upon such trees the holders of *málki* numbers must naturally look for supply of material for *ráb*, fuel, &c., from the Government jungle when their own supply has been exhausted by such indiscriminate disposal of trees for present gain of money. In order to prevent people from disposing of trees to traders taking wood outside the *táluka* of Bassein, I would propose that permit system should be introduced and the Forest Department should only issue permits for taking wood within the *táluka*. In order to legalize the introduction of permit system for private wood, provision will have to be made in the Forest Act.

Q. 11.—What proportion of the *kharíf* land in your *táluka* is cultivated with *táhál*?

Q. 12.—How much with cow-dung, *kúta* or fish manure?

A.—There is no sufficient data to form an estimate as to what proportion of *kharíf* land is cultivated with *táhál* and cow-dung, &c. The *táhál ráb* is made in the inland villages of this *táluka*. I estimate that ¾ths of *kharíf* land in those villages is cultivated with *táhál ráb* while ¼th with cow-dung. In coast villages the *kharíf* land is comparatively small in extent. In these villages one-half the extent of *kharíf* is cultivated with cow-dung and the other half with crushed canes and sweepings. *Kuta* or fish manure is used by the people of the villages of Chulne, Mánikpur, Divánmán, Umelmán, Barámpur and Navghar villages. They use this manure after the rice plants have been transplanted in fields.

Q. 13.—How have lands with the *sherás rán rakshnákade* been treated as regards grazing?

A.—In the lands set apart with the *sherás rán rashanákade* in Survey Settlement the rayats have been grazing their cattle without restriction, such lands have always been treated

as regards grazing like lands with the *sherás gurcharnikade*, that is, free grazing has been enjoyed therein by the village people.

Q. 14.—Can you give any history of the old demarcation of forests in your *táluka?*

A.—The *táluka* record does not furnish information as to when and by whom the old demarcation was made. It, however, appears that in 1866-67 the first demarcation was introduced by altering the survey *sud* in thirty-three villages mentioned in answer No. 5. The area of *parigh* number in each village was divided into two numbers and each was designated '*sarkári rán*' and '*gávche rán*.'

Q. 15.—Give the population of the wild tribes in *táluka* and say to what extent they are dependent on the jungle produce for their maintenance?

A.—According to the Census of 1881 the population of wild tribes is as follows:—

Várlis...	...	...	... 6,723
Káthodis	...	...	... 1,525
Thákurs	...	...	... 598
			8,846

The wild tribe men in this *táluka* find field work for about two months in a year. Consequently they are almost dependent on the jungle produce for their maintenance.

Q. 16.—Verify the statements as regards convictions and other documents put in by the Bassein witnesses so far as you can?

A.—One Sákharlál Khushál of Bassein made a petition, dated 7th August 1865, praying for permission to lop the branches of teak trees standing in his *ráb* or *shindád* land at Pelhár which had been included at the time of the Survey Settlement in *gurcharan* or *parigh* land. Correspondence ensued thereon and it was returned to the Conservator of Forest with report, dated 13th September 1865.

Chintáman Gopál made a petition on the 29th October 1864, praying that one-fourth value of the teak trees felled in his *shindád* land at Pelhár might be paid to him. The correspondence which took place thereon was returned to the Collector with *mámlatdár's* report, dated 22nd June 1865.

One Visáji Anant Karpe cut down trees in survey numbers which were not purchased by him. Consequently the wood was attached and upon enquiry he was informed that he was at liberty to remove the wood cut by him in survey numbers for which he had paid the value, while as regards the wood cut by him in survey numbers for which he has not paid the fee, he should pay the value thereof according to valuation made by *panch*. Visáji did not agree to this arrangement and the wood was appropriated to Government. The correspondence has been returned to the Collector on the 12th April 1878.

Rájárám Rámdás applied to cut down teak trees in his *vádi* Survey No. 83 at Dhavli. He was informed by the Conservator of Forests that he had no right to the said teak trees. The correspondence was sent to the Range Forest Officer on 10th January 1885.

Copy of the *Mámlatdár's* Circular No. 34, dated 9th May 1866, is hereto attached.

Copy of Collector's Circular No. 23, dated 29th August 1866, is hereto appended with the Collector's notice, dated 14th September 1886.

Copies of the following documents are appended:—

Mámlatdár's Circular No. 6 of 24th December 1867, to *talátis.*

Mámlatdár's Circular No. 81, dated 21st April 1874, to *talátis.*

Collector's Circular No. 3, dated 13th August 1878.

Collector's Circular No. 48, dated 12th February 1880.

Collector's Circular No. 67, dated 2nd December 1867.

Collector's Circular No. 109, dated 3rd March 1868.

Collector's Circular No. 24, dated 31st October 1871.

Collector's Circular No. 78, dated 24th April 1872.

Mámlatdár's Circular No. 48, dated 19th May 1873.

Collector's Circular No. 42, dated 30th January 1872.

Collector's Circular No. 20, dated 24th August 1866.

Collector's Circular No. 71, dated 22nd January 1874.

Collector's Circular No. 36, dated 30th September 1867.

Inás Jámbu *Pátil* was charged under Section 379 of the Indian Penal Code with dishonestly cutting and removing *tivas* trees from Government land at Mulgaon but was discharged on the 16th December 1884 for want of evidence.

Q. 17.—What articles are chiefly exported to Bombay from the *táluka ?* Can you give any idea as to the quantities of grass and wood (timber and fuel) exported each year from your *táluka.*

A.—The following articles are exported to Bombay from this *tátuka, viz :*—

Firewood.		*Padhai* bamboos.
Timber.		*Bundhis.*
	Grass.	

I estimate that about 13,000 candies of firewood and 3,000 pieces of timber are exported to Bombay, and about 300,000 *pulis* or sheaves of grass are exported to Bombay. *Padhai* bamboos about 5,000 pieces and about 12,000 bundles of *bundhis* are exported to Bombay from this *táluka.*

Q. 18.—Please put in a copy of any order or orders that may have been issued by the Survey Settlement Officer containing the terms of Settlement with authorized alterations in it.

A.—I append a copy of order (*vide* Exhibit No. 107) dated 12th June 1862, from Superintendent of Revenne Survey introducing the Revenue Settlement. No alteration seems to have since been made in the terms of Settlement set forth therein.

Q. 19.—The new forest settlement of your *táluka* has been sanctioned by Government. Do you think it will work satisfactorily? Give your opinion in detail on the several points of the settlement such as—

The area set aside for each class of forest.
Forest and non-forest villages.
Privileges of wild inhabitants.
Ráb.
Fuel.
Minor forest produce.
Grazing.
Agricultural implement, &c.

A.—The total area of the Bassein *táluka* is 141, 760 acres. Of this area, 52,403 $\frac{13}{20}$ acres have been made Reserved forest and 2,916$\frac{3}{8}$ acres Protected forest. The Protected forest area of 2,916$\frac{3}{8}$ acres is made in thirty-two inland villages only, while the whole of the land formerly declared as Protected forest in coast villages has been disforestedin the new settlement, as being salt marsh land it is useless for forest purposes. The proportion of area of Protected forest sanctioned in the new settlement is very small in comparison with *kharíf* land in these villages. In none of these villages it exceeds 1$\frac{1}{2}$ acres of Protected forest to one acre of *kharíf* land, the smallest proportion being only one *guntha* to an acre of *kharíf.* It would, therefore, be seen that the Protected forest area is insufficient for agricultural and domestic purposes of the inhabitants of the villages in which that class of forest has been made. Had there been sufficient *varkas* land attached to *kharíf* the Protected forest area would have been sufficient for the purposes. But the proportion of *varkas* land is from one acre to three-fourths of an acre to an acre of *kharíf,* while the authorized proportion is three acres of *varkas* to an acre of *kharíf.* The inhabitants of forest villages have been granted the privilege of taking grass, reeds and leaves, as also brushwood, &c., for *ráb,* and of taking fuel and *ráb* from the branches and twigs of forest fellings. The forest operation is generally done in August and September, while the time of *ráb* cutting begins in December or January. If the Forest Department carry on operation in the months in which the villagers usually collect *ráb* there will be no cause for complaint.

As the Protected forest area is small I would suggest that all the privileges granted therein may be allowed to be exercised in the unclosed portions of Reserved forest. No privileges have been allowed to non-forest villages in the settlement. They are required to purchase all the materials from the Forest Department or from private dealers. I consider that the inhabitants of non-forest villages should have some concession granted them in respect of fuel, &c., in consideration of the heavier assessment of land revenue they pay than that paid by the inhabitants of forest villages.

The privileges granted to wild tribes are I consider sufficient.

Most of the people in this *táluka* hold land in forest or inland villages while they reside in coast villages of Bassein, Sopára, A'gáshi, Nále, &c. They are, however, allowed to take the material for *ráb,* &c., from the Protected and unclosed portions of Reserved forest in the villages in which their land is situate, but they are required to pay for wood for domestic use in the same way as others not holding land in forest villages do. I consider that some concession must be granted to such people in respect of wood for domestic use.

As regards minor produce I consider the privileges granted are sufficient. I have nothing to add as regards grazing. There is nothing in the Settlement Resolution as regards agricultural implements. I think wood for such implements should be allowed free.

Q. 20.—Have any cases of illicit cuttings from Government forest come before you in your magisterial and executive capacity for enquiry? If so, will you enumerate such cases, and state where the papers of such inquiries are recorded, if possible, in order that, if necessary, application may be made for their production to the proper authorities?

A.—One Govind Váljí Thakar illicitly cut down *ain*, &c., trees in the Reserved forest of Májivli in Bassein. Inquiry was made and under orders of the Assistant Collector in charge of the *táluka* the value of the trees cut, *viz.*, Rs. 38, was recovered from him, and the correspondence forwarded to the Range Forest Officer of Bassein on the 16th December 1885 with the money.

One Soma Várli cut down a *dandosi* tree in the Government forest at Pelhár. The value of the wood, *viz.*, Rs. 1-5-0, was recovered from him under orders of the Assistant Collector, and the correspondence returned to him with my report No. 60, dated 26th August 1885.

Bálya Nágo and three others of Tilher cut down four cart-loads of bamboos in the Reserved Forest Survey No. 14 of Medhe village. The Assistant Collector ordered the bamboos to be sold by public auction and the correspondence has been sent to the *talátí* of Medhe to sell the bamboos by public auction.

Kálya Ganu and others cut down *ain*, *khair*, &c., trees in the Reserved forest of Tilher. Inquiries were made and the Assistant Collector ordered the wood to be sold. The correspondence was sent to the *mámlatdár* of Bhivandi on the 6th October 1885 with request to sell the wood which was given in charge of the Mhár of Khadki in Bhivandi *táluka*.

Q. 21.—What measures would you recommend to ensure the co-operation of the villagers and village officers in the protection of forests? Has the present system the effect of divided responsibility and inefficiency? If you think so, what remedy would you recommend for adoption?

A.—To ensure co-operation between villagers and village officers I would propose that the former be allowed some percentage on the fellings in the forest on condition of their Protecting the same, and the latter be allowed extra remuneration on the same condition. The village officers should be held responsible in consideration of extra remuneration for the neglect of village people in the protection of forest, and the latter distinctly told that any neglect on their part will entail the summary withdrawal of their privileges and the grant of the share in the forest. By this arrangement co-operation will be ensured between them and the Government forest sufficiently protected. The present system does not make either party responsible and the villagers and village officers try to co-operate with one another in destroying the forest instead of protecting it. I would also propose that the subordinate forest establishment, *viz.*, forest guards entertained for the protection of the forest whose supervision seems inefficient for the purpose, may be withdrawn in case the villagers and village officers be made responsible in the manner I have suggested.

Q. 22.—Has the *táluka* been denuded of its forests during the past twenty years or so? If so, state the causes that led to the denudation.

A.—The *táluka* has been denuded of its forest by the holders of *málki* numbers disposing of the trees to traders who cut them and take the wood to Bombay and other places. The denudation of the forest of the *táluka* is also due to tender system which was formerly introduced by the Forest Department, by which tenderers cut down trees and exported wood from the *táluka* upon which they have made a large trade at the cost of the valuable forest of the *táluka*.

Q. 23.—Is there a general belief that the number of cattle has greatly decreased in hese parts during the past twenty years? Do you share that belief irrespective of what the village *patraks* show?

There is a general belief that the number of cattle has decreased on account of cattle disease. I would also attribute the decrease to the same cause.

Q. 24.—Explain the arrangements made this year for supplying fuel to the sugar-boilers of Bassein. Has it come to your notice that any trouble has been caused this year by the permit-holders helping themselves to the best materials out of different stacks instead of removing only the particular stacks covered by the permits? If the village officers were required to accompany the permit-holders to the places from which the wood was to be removed in order to prevent any irregularity, produce a copy of any undertaking required from them.

A.—Wood required for sugar-boilers in Bassein *táluka* was cut by the Forest Department and kept in stacks at Karjon, Tákipáda of Bhátáne village, and Káman. One stack to go to a small cart and two to a large *agri* cart. The wood at Karjon was first issued in December last. Mr. Blackwell, Sub-Assistant Conservator of Forests, was entrusted by the Divisional Forest Officer, North Thána, with the duty of issuing wood. Each stack was numbered and was issued to boilers on permits in which corresponding number of stack was mentioned. Mr. Blackwell commenced issuing wood to sugar-boilers early in December last

in Karjon village. The sugar-boilers who had obtained permits went into the Karjon forest where the stacks were kept for them, and behaved most outrageously. Instead of taking the stacks allotted to them they stole logs from other stacks and created the utmost confusion. The Divisional Forest Officer wrote to me on the subject, informing me at the same time that "Mr. Blackwell says directly his back was turned they began pilfering." In order to prevent this sort of confusion and to secure order in the taking of wood I suggested that dates might be appointed for each village on which permits might be issued to boilers on the *pátil* thereof accompanying them to the place where the stacks had been kept. The *pátils* of the villages were sent for. They undertook to accompany the boilers of their villages, and take the stacks of wood allotted to each boiler. A copy of the undertaking is herewith forwarded. The Sub-Assistant Conservator appointed dates for each village and the wood was distributed afterwards without any dispute or confusion on the *pátils* accompanying the boilers.

Exhibit No. 1.

(Referred to at page 11.)

Miscellaneous Outward No. 561.

FROM

THE MA'MLATDA'R OF *TA'LUKA* KARJAT;

To

NÁRÁYANRÁV MÁNDE, INHABITANT OF SÁLOKH, *TARF* NID, *TA'LUKA* KARJAT.

You petitioned that the *varkas* land in your *vahivát* in the village of Saidongre, *tarf* Nid, which had been included in village forest might be measured and entered in your name. The Collector of Thána has thereupon finally decided in his order dated 14th June 1877 that there is no objection to the temporary cultivation of the land in dispute, but that it is not possible to take steps to mark it off into a separate number until the boundary of the forest has been demarcated. Be this known to you.

SHIVRÁM NILKANTH,
Mámlatdár.

Dated 19th June 1877.
(Verified.)

Exhibit No. 2.

(Referred to at page 16.)

Karjat Outward No. 14 of 1877-78.

Táluka Karjat Huzur Inward No. 128.

FROM

THE COLLECTOR OF THÁNA;

To

RÁV SÁHEB MÁMLATDÁR,

TA'LUKA KARJAT, *ZILLA* THÁNA.

Until the receipt of Government sanction to the new forest demarcation of the *táluka*, cultivation should, according to former practice, be allowed in places where there is no jungle or trees; and assessment should be levied according to orders formerly issued. Great care should be taken to avoid even the slightest injury to trees from cultivation. Whoever will do damage to the trees while preparing the land for cultivation should be punished according to law, and he should not be allowed to cultivate the land thus prepared by him, and in future he should never be allowed permission to cultivate. The *pátils, talátis* and *pherni kárkuns* should be ordered to direct their special attention to this, and you should also keep a watch over them.

A. C. JERVOISE,
Collector.

Dated 25th June 1878.

Exhibit No. 3.

(Referred to at page 16.)

Extract paragraphs 1 and 3 from the Superintendent of Revenue Survey, Thána and Poona's order outward No. 233, dated 26th July 1856, to the Mámlatdár of Nasráapur.

Now that the survey has been introduced both in the *subha* and *peta* divisions of the *táluka*, the (future) proceedings in connection therewith should be regulated by the joint rules promulgated for the above-*Ghát* districts, copies of which have been sent to you. The following explanations are also furnished in connection with the same.

1. Rules 1 to 8 must be understood to apply to the whole *subha* (*táluka*).
3. Under Section 10 the owner of a field is entitled to cut trees in his field. His ownership should therefore be recognized here (under this order). But he has no authority to cut under this rule teak, *ain* and blackwood and such other trees as are conserved by Dr. Gibson, Conservator of Forests. The practice of conserving them should be continued as before.

(In the concluding portion the *mámlatdár* is directed to furnish copies of the rules and this order to each *taláti* for his guidance.)

Exhibit No. 4.

(Referred to at page 16.)

Extract paragraph 2 from the endorsement about the survey terms written below kulvár suds in the Karjat táluka A.D. 1876.

2. Section 3 of the outward order No. 233, dated 26th July 1856, (Exhibit No. 3) applies to trees in the *varkas* numbers which have been entered in the names of persons according to their individual *vahivát.*

Exhibit No. 5.

(Referred to at page 16.)

On a report from the *mámlatdár* of *táluka* Karjat, *zilla* Thána, asking for the order detailing the total number and particular kinds of trees conserved by Dr. Gibson at the time of the Survey, the District Forest Officer in his No. 427, dated 28th February 1882 stated as follows:—

Teak, Blackwood, *Ain, Khair, Hed, Kalamb, Asána, Náná, Bibla, Kinjal, Jámb, Shivan, Dhávda.*

The Conservator of Forest, N. C., informs me that the thirteen kinds of trees noted in the margin were conserved by Forest Department at the time of the Survey in the Karjat. *táluka.* Be it known to you.

(Signature.)
District Forest Officer.

Exhibit No. 6.

(Referred to at page 16.)

Revenue Miscellaneous Outward No. 716 of 1859.

To

NÁRÁYAN RAGHUNÁTH KHÁMBETE,

Taláti, Saza Khálápur.

Dr. Gibson's order No. 127, dated 5th April 1859, on the correspondence commenced with the petition of the rayats of Chauk (complaining that they were made to pay fees to the forest contractor on the wood cut for domestic purposes) has been received. It directs that great care should be taken to see that nobody while cutting wood for fuel in forest cuts *áin, hed, khair, kalamb, bibla nána* or *bondára, asána, shivan, tivas, dhávda,* and *koshimb.* You should therefore fully explain this order to the *pátils,* Mhárs and rayats of different villages and you and the *pátils* and Mhárs of respective villages should take care to see that this order is enforced, failing which severe measures will be taken.

GANPATRÁV YASHVANT,
Mahálkari.

Dated 9th April 1859.

Exhibit No. 7.

(Referred to at page 17.)

Extract from the Miscellaneous Outward Bárnishi Register of the Khálápur peta in the Karjat táluka for the year 1874-75, No. 251.

FROM

THE MAHÁLKARI OF KHÁLÁPUR;

To

J. R. GIBSON, ESQUIRE,

Deputy Superintendent, Revenue Survey.

At the time of the Survey Settlement of the *várkas* land in the current year, village and Government forests were marked off into separate numbers, but in this area some rice lands in the occupation of individuals were included. These lands have not been deducted from their *khátás* and assessment has not been proportionately reduced; they have neither been compensated nor given other land in exchange. This is written for your information.

Dated 25th March 1875.

No. 125 of the Superintendent of Thána.

FROM

THE DEPUTY SUPERINTENDENT OF REVENUE SURVEY;

To

THE SURVEY COMMISSIONER.

When the *varkas* settlement was announced people were given to understand that no one should cultivate the land set apart for village and Government forest.

No final decision has yet been arrived at regarding forest lands, but in the meantime the people have been put to inconvenience by their being prohibited from cultivating their lands. I am of opinion that pending final decision in the matter, cultivation should be allowed. I solicit your orders.

Dated 29th April 1875.

No. 415.

Forwarded (by the Survey Commissioner) to the Conservator of Forests for consideration and reply.

Dated 5th May 1875.

Miscellaneous Inward No. 505.

FROM

THE CONSERVATOR OF FORESTS;

TO

THE DISTRICT FOREST OFFICER,

Thána.

Copy of Government Resolution No. 1789, dated 24th March 1875, was forwarded to you under this office endorsement dated 2nd April 1875. According to this Resolution lands of the people connot be taken up unless compensation has been paid to them or the provisions of the Land Acquisition Act X of 1870 have been applied and cultivation cannot be stopped.

It should be stated by whom and under whose orders the land was taken up and also whether this land is rice or *varkas*. It should also be mentioned whether any agreement has been passed with those men for the acceptance of compensation or land in exchange.

There should not, as recommended by the *máhálkari*, be any prohibition against cultivation.

Dated 10th May 1875.

FROM

THE DISTRICT FOREST OFFICER,

Thána.

TO

THE MAHÁLKARI OF KHÁLÁPUR.

No one should be prevented from cultivating (the land). The information called for in the above endorsement should be supplied.

Dated 19th May 1875.

FROM

THE MAHÁLKARI OF KHA'LA'PUR;

TO

THE DEPUTY CONSERVATOR OF FORESTS,

Thána.

I am informed that both compensation and land in exchange were given for the rice lands taken up at the first demarcation but nothing appears to have been done to compensate the Dhangars who erected cattle-sheds and lived there.

No steps have been taken for paying compensation to people for *kharíf* or rice numbers included in the area recently taken up for village and Government forest. Many men complain that *varkas* lands in their *vahivát* have been included (in forests), but the Government records do not show that the lands in dispute belong to private individuals and no steps have been taken (to compensate the claimants). Under the authority of the present order I have issued orders to village officers to the effect that they should not raise objection to cultivating the rice land for which no award of compensation has been passed.

There is nothing on the record of this office to show what the orders about taking up of land for forests were, but I am informed that Mr. Náráyan Ballál and the Conservator have marked off (the lands). Your records probably contain the orders, &c., on the subject.

Dated 24th May 1875.

FROM

THE DEPUTY CONSERVATOR OF FORESTS;

To

THE CONSERVATOR OF FORESTS.

The *mahálkari's* report is forwarded for your information. No report has as yet been submitted by Mr. Náráyan Ballál as regards the work done by him during the last year.

Dated 1st June 1875.

No. 548.

FROM

THE CONSERVATOR OF FORESTS;

To

THE SURVEY COMMISSIONER.

From this you will learn that orders have been issued through the *mahálkari* to the effect that pending orders from Government cultivation should not be stopped.

Dated 5th June 1875.

No. 513.

FROM

THE SURVEY COMMISSIONER;

To

THE DEPUTY SUPERINTENDENT OF SURVEY.

The above will explain the action taken in the matter.

Dated 10th June 1875.

Superintendent of Thána's Inward No. 172.

The correspondence disposes of the question of rice cultivation in the numbers set apart last year for village and Government forest, but the point as regards the *varkas* cultivation has not been cleared up. It is stated in paragraph 2 of the *mahálkari's* report dated 24th May 1875, that there are many complaints about *varkas* land. If cultivation in the numbers included in forest were allowed pending final orders in the matter, and Government assessment were levied as before on ploughs or bill-hooks, I think the people will not be put to inconvenience, nor will Government suffer any loss in the *jamábandi.*

Dated 18th June 1875.

No. 565.

There is no reason to entertain any doubts that the order regarding the removal of prohibition against cultivation applies to rice land and not to *varkas.* The above endorsement under date 5th June of current year should be considered as allowing cultivation both in *kharíf* and *varkas* land, and steps should be taken to issue orders to the *peta* to levy assessment, either under plough or *koita* system for cultivation in numbers set aside for forest.

Dated 22nd June 1875.

No. 197.

To

AZAM MAHALKARI OF PETA KHÁLÁPUR.

The correspondence ended in the removal of the difficulties you suggested. Extract to be taken for guidance and report should be made.

Dated 24th June 1875.

The *mahálkari* reports that the order has been noted down, and that orders have been issued to village officers for guidance.

Dated 12th July 1875.

Exhibit No. 8.

(Referred to at page 18.)

List of Forest and Non-Forest Villages in the Karjat Táluka, including Khálápur Peta.

Forest Villages.

1	Vengáv.
2	Kohil.
3	Kushivli.
4	Sálokh.
5	Sápele.
6	Saidongri.
7	Ambot.
8	Mograj.
9	Malegáv.
10	Pinglas.
11	Shingdole.
12	Ambivli.
13	Pet.
14	Raspe.
15	Kashele.
16	Náldhe.
17	Anjap.
18	Sávle.
19	Olman.
20	Balhivre.
21	Nándgáv.
22	Sugve.
23	Gaur-Kámath
24	Dhák.
25	Jámbivli.
26	Bhálivdi.
27	Humgáv.
28	Páli.
29	Mándavne.
30	Pimpalpáda.
31	Khánand.
32	Dhotre.
33	Ránshet.
34	Dhámni.
35	Jámrung.
36	Tembhre.
37	Kikvi.
38	Borivli.
39	Anthrad.
40	Borgáv.
41	Chai.
42	Chevne.
43	Váre.
44	Gudhavan.
45	Anthrad.
46	Pohi.
47	Páshane.
48	Mále.
49	Manivli.
50	Bedisgáv.
51	Ghárpoli.
52	Bhadval.
53	Mamdápúr.
54	Ávsare.
55	Kodivle.
56	Talavde.
57	Bekre.
58	Bhutivli.
59	Umbroli.
60	Kiravli.
61	Bhisegáv.
62	Nángarle.
63	Varne.
64	Talavli.
65	Chochi.
66	Kharvandi.
67	Khandavli.
68	Sándshi.
69	Tivne.
70	Návdhe.
71	á mrung.
72	Bid Khúrd.
73	Mánkivli.
74	Poshir.
75	Ardhe.
76	Sálokh.
77	Varai.
78	Shivle.
79	Kalambholi.
80	Neral.
81	Pimploli-Budruk.
82	Birdole.
83	Dahivli.
84	Mángáv.
85	A'sal.
86	Páli.
87	A'sháne.
88	Halivli.
89	A'vlas.
90	Tighar.
91	Palasdari.
92	Bid Búdruk.
93	Kóndháné.
94	Sálpe.
95	Kháudpe.
96	Mángáv.
97	Ghodivli.
98	Chinchavli-Átgáv.
99	Umbarvira.
100	Shengáv.
101	Vásrang.
102	Chinchavli.
103	Devlád.
104	Ráhátavde.
105	Kátrang.
106	Mil.
107	Honád.
108	Sángde.
109	Dahivli.
110	Kumbhavli.
111	Mándap.
112	Isámbi.
113	Vadgáv.
114	Nadide.
115	Kalote (Mokáshi.)
116	Vinegáv.
117	Bhilavle.
118	Sondevádi.
119	Nánivli.
120	Vávarle.
121	Laveje.
122	Khopivli.
123	Vyáhári.
124	Bhánvaj.
125	Sájgáv.
126	Adóshi.
127	Chinchavli-Góhe.
128	Sángdevádi.
129	Dhámni.
130	Kharsóndi.
131	A'mbivli.
132	Talavli.
133	Kalote (Rayati.)
134	Nigdoli.
135	Vamvdhal.
136	Kándhroli.
137	Borgáv Khurd.
138	Varose.
139	Vadvihir.
140	Páli-Budrukh.

Non-Forest Villages.

1	Dahivli.	64	Vadavli.
2	Nigde.	65	Bámnoli.
3	Ládivli.	66	Karjat.
4	Posri.	67	Mudhre-Khurd.
5	Dahigáv.	68	Sávargáv.
6	Injivli.	69	Bámnoli.
7	Sávele.	70	Shirse.
8	Kundlaj.	71	Kondivde.
9	Ákurle.	72	Mulgáv.
10	Paráde.	73	Páli.
11	Lákhrang	74	Tamnáth.
12	Varai.	75	Kelavli.
13	Dóne.	76	Vágni.
14	Támbas.	77	Kharvai-Khurd.
15	Áravand.	78	Mánkivli.
16	Vávloli.	79	Hál Khurd.
17	Bendse.	80	Shédivli.
18	Kadáv.	81	Varose.
19	Chinchavli.	82	Ájoshi.
20	Tákve.	83	Dheke.
21	Hilálpur.	84	Niphán.
22	Nikhop.	85	Kalambeli.
23	Shelu.	86	Devenáhave.
24	Bándhivli.	87	Nimbode.
25	Dámat.	88	Shiravli.
26	Dhamote.	89	Májgáv.
27	Jite.	90	Vánivli.
28	Bopele.	91	Vayál.
29	Shil.	92	Varad.
30	Vadavli.	93	Nadhál.
31	Sálvad.	94	Tupgáv.
32	Vákas.	95	Páli Khurd.
33	Neváli.	96	Kolhivli.
34	Bhándsoli.	97	Asre.
35	Váve.	98	Morbe.
36	Chándai.	99	Borgáv-Budrukh.
37	Gárpoli.	100	Sángvi.
38	Chinchavli.	101	Mohili.
39	Mudhre-Budrukh.	102	Kándhroli.
40	Vánjle.	103	Vani.
41	Koshane.	104	Dolavli.
42	Pimploli.	105	Ajrun.
43	Gandge.	106	Hál-Budrukh.
44	Mugpe.	107	Mulgáv-Khurd.
45	Bhátgáv.	108	Tákai.
46	Ganegáv.	109	Shil.
47	Kalamboli.	110	Sársan.
48	Potal.	111	Tháne-Náháve.
49	Asre.	112	Kadpoli.
50	Mohili.	113	Khálápur.
51	Kushivli.	114	Vanve.
52	Ambivli.	115	Paund.
53	Borle.	116	Lohop.
54	Kolhár.	117	Váshivli.
55	Kumbhe.	118	Tembhri.
56	Málegáv.	119	Kopri.
57	Ambivli.	120	Lodhivli.
58	Karajgáv-Nasrápur.	121	Sárang.
59	Mircholi.	122	Asroti.
60	Kolhivli.	123	Dhárni.
61	Yeksal.	124	Nivde.
62	Ukrul.	125	Padghe.
63	Bárdi.	126	Mulgáv-Budrukh.

BHAU RAMCHANDRA,
Mámlatdár.

Exhibit No. 9.

(Referred to at page 22.)

Circular No. 3—Order to Pátils and Talátis.

In continuation of the Circular Order No. 2 regarding the cutting of forest by villagers issued under the authority of the rules, another circular order (No. 28 of 1859-60) has been

issued on the same subject by the Huzúr. It is provided in it that the people are entitled to cut shrubs and side branches of trees in the *rán* land, but that the teak trees are not to be lopped except under the supervision of the forest guards. This should be made known to all and acted up to.

RAVJI NARAYAN.
Mámlatdár.

Dated 22nd September 1859.

Exhibit No. 10.

(Referred to at page 23).

Statement showing the number and kind of Fruit Trees in each Survey Number in the Shiroshi Saza, Tarf Jade Shiroshi, Táluka Murbád, Zilla Thána, for the year 1862-63 A.D.

Name of Saza.	Name of Village.	Survey Number.	Number and kinds of Proprietary Fruit Trees.				Number and kinds of Trees the Ownership of which jointly vests in Government and Occupants.				Remark. The particulars as to the number and kinds of Trees and as to whether the Trees belong to Government or any Private Person should be stated.				
			Mango.	Mowra.	Jack.	Nimb.	Mango.	Mowra.	Jack.	Nimb.	Name of Occupant.	Mango.	Mowra.	Jack.	Nimb.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Shiroshi Saza.	Shiroshi.	232	1,055	2,631	..	..	..	..	..	..	Sakharám Hirojiráo Adhikári	606	1,066	..	..
	Mál.	317	176	525	..	..	..	..	..	..	Sakharám Hirojiráo	31	104	..	..

Compared with the original and found correct.

SHRIDHAR BÁBJI,
Kárkún.

BHÁU RÁMCHANDRA,
Mámlatdár.

Dated 11th June 1881.

Exhibit No. 11.

(Referred to at page 23.)

Miscellaneous Outward No. 260.

FROM

THE MÁMLATDÁR OF THE MURBÁD *TÁLUKA;*

To

THE PETITIONER BALWANTRÁV SAKHÁRAM SHIROSKAR,
Inhabitant of Shiroshi.

You petitioned to the Collector that the officers of the Forest Department objected to your user, as before, of your fruit trees in the *gurcharan* numbers. A correspondence was thereupon carried on and it has been finally ordered that under recent Government Resolution you have no right whatever to enjoy the usufruct of the trees in *gurcharan* and unassessed numbers; the right to those trees is now vested in the Government. You should therefore in no way make use or dispose of those trees. Be it known to you.

(Signature.)
Mámlatdár.

Dated 23rd September 1882.

Exhibit No. 12.

(Referred to at page 23.)

In reply to the petition of Bápu Dádáji Korde and other rayats of the Murbád *táluka* of 19th March 1885, praying that they might be allowed as before to take fruit and flowers from and cut the trees belonging to them growing in *gurcharan* numbers, the Commissioner, N. D., in his No. 33 of 21st April 1885, stated as follows:—

From the report of the district officer on the matter, it appears that rayats are allowed to take fruit of mango and other kind of trees as before, but as the proprietary right over the trees vests in Government, the petitioners cannot be allowed to cut them. The enumeration of such trees in 1862-63 was effected only with a view to ascertain the number of trees in each survey number. The right to such trees was not then enquired into and no decision was arrived at. Be it known to you.

(Signature.)
Commissioner, N. D.

Exhibit No. 13.

(Referred to at page 24.)

Circular No. 17.

FROM

THE DISTRICT MAGISTRATE, THA'NA;

TO

RÁV SÁHEB SECOND CLASS MAGISTRATE OF MURBA'D.

Under Government Resolution No. 4329, dated 24th July 1873, and from what is stated in the Revenue Hand Book, Government has right over the lands in village sites and the rayats have no right over trees in them. You are therefore directed to communicate to the people of different villages in your *táluka* that nobody should cut trees in such lands without the permission of Government, and that if trees were cut without permission they would be criminally prosecuted. If anybody disobey this order he should be dealt with accordingly.

(Signature.)
District Magistrate.

Dated 19th October 1880.
(*Verified by the Mámlatdár.*)

Exhibit No. 14.

(Referred to at page 24.)

Circular No. 42.

FROM

THE COLLECTOR OF THA'NA;

TO

RA'V SA'HEB MA'MLATDA'R,
Táluka Kalyán.

It has been noticed that the marginally noted circular prohibiting the cutting of trees in village sites has been misunderstood and inconvenience has been thereby caused to the people. You are, therefore, informed that nobody should be allowed to cut trees growing in (waste lands within) village sites but that there is no objection for the people to cut trees belonging to them and growing in compounds and house yards. This should be explained to all people.

Criminal Circular No. 17 of 19th October 1880.

(Signature.)
Collector.

Dated 15th December 1882.
(*Verified by the Mámlatdár.*)

Exhibit No. 15.

(Referred to at page 28).

The Assistant Collector in charge of the *táluka* has ordered in his No. 29 of 1884-85, dated 23rd December 1884, on the correspondence which commenced with *mámlatdár's* report No. 68, dated 30th August 1884, regarding a certain mango tree in *gurcharan* No. 42 of Murbád, that the tree belonged to Government, but the petitioner Shridhar Jagannáth should be allowed to take the fruit. The fruit of this tree was sold by auction in 1883-84 and the sum of Rs. 10-4-0 realized, was credited to Government. The amount was so credited, as the petition claiming the tree had not then been disposed of.

R. V. GADKARI,
Mámlatdár.

Dated 8th April 1886.

Exhibit No. 16.

(Referred to at page 28.)

Extract from Huzúr Outward Register of the Murbád Táluka for 1872-73.

No. 252.

FROM

THE MÁMLATDÁR OF MURBÁD;

To

THE DISTRICT DEPUTY COLLECTOR.

It is directed that wells and trees in survey numbers should be entered in Column 20 of Village Form No. 1. The preparation of such a record is a laborious task and I do not think that the work will be carried out with accuracy by *talátis* in a forest district like Murbád which contains many teak and *injáili* trees. I would, therefore, suggest that only fruit trees and toddy palms may be counted and entered. As to the other trees they may be entered as belonging to Government or to occupants wherever the same have been sold to them, quoting at the same time the authority under which they have been sold. Where the teak and *injáili* trees are quite mixed up, the former may be endorsed as belonging to Government and the latter to occupants. I am of opinion that entries made in this way would serve the purpose.

Dated 7th January 1873.

FROM

THE DISTRICT DEPUTY COLLECTOR;

To

THE MÁMLATDÁR OF MURBÁD.

It is nearly two years since the forms came into use. It is not, therefore, proper to bring forth any excuses now. Lists of wells, toddy and date palms and fruit trees should be drawn up. Where there is a large number of teak and other trees, it should be recorded that the teak trees belong to Government; as regards the other trees, it should be stated whether they belong to Government or to occupants. It would be difficult to enumerate a large number of teak and *injáili* trees, and such enumeration would be of little value.

FROM

THE MÁMLATDÁR OF MURBÁD;

To

THE DISTRICT DEPUTY COLLECTOR.

The order has been executed.

Dated 21st October 1873.

(True Extract.)

R. V. GADKARI,

Mámlatdár.

Exhibit No. 17.

(Referred to at page 28.)

In forwarding for inquiry and report to the Assistant Collector a petition from one Jáfar valad Lothan Thánga of Murbád requesting permission to cut mango trees in the land assigned for burial ground shortly before the date of the petition, the Collector of Thána in his endorsement inward No. 55 of 1881-82 stated as follows:—

> At the *jamábandi* of the Panvel *táluka* it was found out that the *talátis* had made entries in Village Form No. I. that certain trees in unassessed waste land belonged to people, and that also trees the right to which was not recognised at the Survey had been entered as belonging to individual. It is presumed that the same mistake might have been made in this *táluka*. You should, therefore, institute an enquiry and if you find similar mistakes in the *tálukás* in your charge, they should be rectified.

The Assistant Collector thereupon in his order No. 138 of 1881-82 to the *mámlatdárs* of Bhivandi, Sháhápur, Murbád and Váda and the *mahálkari* of the Mokháda *peta* stated as follows:—

> Under Collector's circular No. 19 of 1881 no one has right to trees in unassessed land and Government unoccupied numbers. The entries in Village Form No. 1 that such trees belong to rayats are therefore incorrect; and they should now be

erased. The erasures should be attested under your signature, and Village Form No. I. of some of the villages should be kept ready for my inspection when my camp may happen to be in your *táluka*.

Exhibit No 18.

(Referred to at page 29.)

The following are the *sherás* written against *gurcharan* numbers in survey *suds* of villages in the Murbád *táluka*:—

1. *Ságrakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the teak.
2. *Rán rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the forest.
3. *Sarkárche rán.* Government forest.
4. *Gávche rán.* Village forest.
5. *Gurcharnikade mophat thevila áhe.* Set apart for free grazing.
6. *Vancharái, leláv karáve.* Pasturage, to be sold by auction.
7. *Vancharái.* Grazing.
8. *Gurcharan.* Grazing.
9. *Rán rakshanákade.* For preservation of forest.
10. *Ságáche va jangaláche rakshan karun gávchi gure mophat chárávi.* Village cattle to be grazed free, preserving the forest and teak.
11. *Ságván rakshan karun vancharáikade.* For grazing: preserving the teak.
12. *Ságáche va ránáche rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the forest and teak.
13. *Rán rakshan karun gure chárávi, áni sadarhu nambaránt shindád todnyáchi vahivát áhe.* (This *shera* is written against *gurcharan* survey No. 110 of the village of Kisan.) Cattle to be grazed, preserving the forest; and it has been the practice to cut *shindád* in this number.
14. *Ságván jangal kherij karun gavtáche leláv karáve.* With the exception of teak forest, grass to be sold by auction.
15. *Gávbhág*). Village forest.
16. *Binkhapácha darsál gavtáche leláv karáve.* Land not appropriated for *ráb* or any other purpose: grass to be sold by auction every year.
17. *Jangalche rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the jungle.
18. *Darsál gavtáche leláv karáve.* Grass to be sold by auction every year.
19. *Ságáche va jangalchi jháde áhet tyáche rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the existing jungle and teak trees.
20. *Ságáche va jangalchi jháde kherij karun vancharáicha leláv karáva.* Grazing to be sold by auction with the exception of the jungle and teak trees.
21. *Ságván kherij karun vancharáicha leláv karáva.* Grazing to be sold by auction with the exception of teak.
22. *Ránrakshan karun mophat thevila gurcharnis.* Set apart for free grazing, preserving the forest.
23. *Gurcharnikade sabandh padiche taktyás shera jhályá pramáne gávche gurás mophat dila.* For free grazing, as per endorsement written in the statement of whole waste numbers.
24. *Gurcharan yánt gávchi gure mophat chárávi.* Grazing: village cattle to be grazed in it free.
25. *Ságáche jhádáche rakshan karun mophat gurcharnikade thevila.* Assigned for free grazing, preserving the teak trees.
26. *Gurcharnikade ránrakshan karun mophat thevila áhe.* Set apart for free grazing, preserving the forest.
27. *Gurcharnikade ránrakshan karun gure mophat chárávi.* For grazing: cattle to be grazed free, preserving the forest.

28. *Ránáche rakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the forest.

29. *Gurcharnikade.* For grazing.

30. *Ságván jangalche samrakshan karun gure mophat chárávi.* Cattle to be grazed free, preserving the teak forest.

31. *Gurcharnikade mophat thevila áhe ságáche rakshan karun.* Assigned for free grazing, preserving the teak.

32. *Sarkári Phárest rán.* Government forest.

33. *Ságván jangalche samrakshan karun gure mophat chárávi mhanon sabandh padiche taktyávar hukum jhályá pramáne.* Cattle to be grazed free, preserving the teak forest as per orders on the statement of whole waste numbers.

34. *Gurcharnikade.* For grazing, as per order No. 83 of 1861 from the Superintendent.

35. *Ság jháde va jangal kherij karun ánt gure mophat chárávi: lágvad konás karun deu naye.* Cattle to be grazed free in it, preserving the teak trees and forest: none should be allowed to cultivate.

36. *Gurcharnikade ság jháde astil tyáche samrakshan karun gure mophat chárávi.* For grazing; cattle to be grazed free, preserving such teak trees as may be from time to time.

37. *Rán rakshanakade gure mophat chárávi.* For preservation of forest; cattle to be grazed free.

38. *Gurcharnikade mophat thevila áhe rán rakshan karáve.* Assigned for free grazing forest to be preserved.

39. *Gure mophat chárávi.* Cattle to be grazed free.

R. V. GADKARI,
Mámlatdár.

Exhibit No. 19.

(Referred to at page 29.)

Statement showing the Area demarcated as Forest in 1875-76 in the Murbád Táluka.

Name of Village.	Area.	Name of Village.	Area.
	A. g.		A. g.
Talegáv	891 1	Sávarne	914 19
Valhvre	1,289 13	Moroshi	49 32
Thitbii	1,563 9	Jhádghar	150 32
Phángul-Gavhán	491 19	Divánpáda	359 28
Bhoránde	809 22	Pendhri	217 18
Vaishákhre	265 37	Sonávle	971 23
Palu	1,238 24	Kalambád	329 2
Madh	852 31	Dudhnoli	256 10
Umbroli-Khurd	687 39	Gorakhgad	253 27
Khopivli	413 10	Uchle	30 9
Deheri	33 32	Jámburde	206 4
Shidgad	2,008 17½	Mhase	209 5
Dongarnáháve...	307 4	Mohaghar	283 21
Pátgáv	38 3	Khámghar	97 29
Khánivre	492 12		
Shiland	344 35		
Phángloshi	447 33	Total ...	16,505 0½

R. V. GADKARI,
Mámlatdár.

Exhibit No. 20.

(Referred to at page 36.

Outward No. 79.

Sháhápur Huzúr Inward No 659 of 1866-67.

FROM

WILLIAM HENRY HAVELOCK, ESQUIRE,
Collector of Thána;

To

AZAM MAMLATDAR,
Táluka Sháhápur.

There is no distinct authority in support of the *vahivát*, which exists, of cutting *shindád* in Government *gurcharan* land, nor is there anything on record to show that the people are prohibited from taking loppings from such lands. It has been brought to notice that forest officers in your *táluka* have this year prohibited the cutting of *shindád* in *gurcharan*. The rayats also have made an oral representation to that effect to me. Under these circumstances the following instructions are issued to you:—

1. In villages where forest demarcation has been effected there is no objection to the people being allowed to cut *shindád* for *ráb* in *gurcharan* (and) in such forest as may have been kept for the use of the village.
2. In villages where forest demarcation has not been effected people should be allowed to cut *shindád* only in *gurcharan* and not in Government forest, pending the demarcation of forest.
3. The Government Resolution issued on the report of the Committee which was submitted to Government by Mr Robertson, late Collector of Thána, on 10th December 1883, prohibits the cutting of the seven kinds of trees, *viz.*, teak, blackwood, *tivas, khair, ain, asána* and *nána.*
4. During my tours in the Murbád, Sháhápur and Váda *tálukás,* I found that the rayats generally lopped *ain* trees for *shindád,* and it was represented to me that it had been their practice to do so.
5. Though the *cutting* of *ain,* which is one of the seven kinds of trees specified in paragraph 3, is prohibited, there is no objection to *lop* it for *táhál.* If the people were prohibited from taking *ain* loppings, they will be put to inconvenience and even Government may have possibly to suffer loss. In fact any such prohibition would be a serious hindrance to cultivation. Under these circumstances there appears to be no objection to allow such *ain* trees as are not likely to yield large building timber to be lopped for *ráb.* Permission should accordingly be given to cut *shindád* from such *ain* trees.
6. It should be distinctly given to understand that except *ain* no other kinds of trees mentioned in paragraph 3 should be lopped without orders. The lopping of *ain* for *shindád* is to be done as is directed in paragraph 5.

The instructions contained in these 6 paragraphs should be attended to. You and the forest and village officers should see particularly that the scope of this order is not transgressed.

(Signature.)
Collector.

Dated 21st February 1867.

Exhibit No. 21.

(Referred to at page 36.)

Circular No. 44 of 1872-73.

FROM

THE COLLECTOR OF THA'NA;

To

A'ZAM MA'MLATDA'R OF SHA'HA'PUR.

From the petition of the people and their oral representation and from what has been written by the Assistant Collector, it appears that the circular order No 88, dated 24th April 1872, has been misunderstood and you have supposed that the prohibition to cut *shindád* for *ráb* applies to all lands; but on perusal of the circular order it will be clear to you that the prohibition applies only to the forests set apart for ordinary purposes and for Government. I am given to understand that you have strictly prohibited people from cutting *shindád* from other lands such as Government *gurcharan.* It was never intended by me that the rayats should be prevented from cutting *shindád* from such land, as such a prohibition would surely cause inconvenience to them. I do not wish to prohibit the rayats from cutting *shindád* in such lands. Government may, either by their special orders or at

the Survey Settlement, decide as to the extent of land that should be set apart for *shindád* cutting. The order issued by me (No. 88) is only applicable to the forests that may have been set apart as specified therein, because such forest area would, according to the new arrangement, be under the management of the Conservator of Forests, who will be responsible for all fellings therein. My present order cannot apply to such forests, because the trees growing thereon are not in my charge but are in the charge of the Conservator of Forests. There should now be no doubt in your mind about the scope of the former order. It should at the same time be clearly understood that the people cannot be supposed to possess the right to cut *shindád* in *gurcharan* land, but that they have been allowed to do so in order that they may not be put to inconvenience. Until some provision is made for *shindád* cutting, the people may be allowed to cut it from places which may have been assigned for the purpose by the Survey. Those who may not have any *shindád* land assigned to them may be allowed to cut *tákál* in the *gurcharan*, but those who have got *shindád* assigned to them should not be allowed the privilege

(Signature.)
Collector.

Dated 15th January 1873.

Order on record.

On a report from the *mámlatdár* of Sháhápur, No. 256, dated 18th January 1873, asking instructions on certain doubtful points, the Collector of Thána ordered in his No. 190 of 10th February 1873 that as the *rán* lands which had been allotted to several persons at the time of the Survey were insufficient for their *kharíf*, they should be allowed to cut *shindád* in *gurcharan* according to their *vahivát*. This order has been communicated to *talátis*.

BALVANTRA'V A'TMA'RA'M,
Mámlatdár.

Dated 24th February 1883.

Exhibit No. 22.

(Referred to at page 36.)

Circular No. 56.

Sháhápur Huzúr Inward No. 135 of 1884-85.

FROM
THE COLLECTOR OF THÁNA;

TO
RÁV SÁHEB MÁMLATDÁR,
Táluka Sháhápur.

In a correspondence regarding the levy of a fine for burning *rán* in *gurcharan* land, the Commissioner, N. D., has ordered in his memorandum No. 1190, dated 10th April 1885, that fine should not be levied for cultivating in *parigh* numbers because the cultivators have no other land to burn their *rán* on than the small pieces of *parigh* numbers which intervene between their *kharíf* numbers. Such cases however should be entered in the statement of disputed cases and the *taláti* should state whether the cultivation is of the nature described above. The general duty *kárkun* should carefully verify the *taláti's* statement, and the *mámlatdár*, if satisfied as to its accuracy, should, in his endorsement, state accordingly and recommend that only the assessment should be levied.

(Signature.)
Collector.

Dated 22nd April 1885.

Exhibit No. 23.

(Referred to at page 36.)

Superintendent of Thána's outward No. 52.

FROM
MAJOR W. WADDINGTON,
Superintendent, Revenue Survey;

TO
ÁZAM MÁMLATDÁR,
Táluka Sháhápur.

A copy of the memorandum containing the terms regarding forest and other matters, as announced to the rayats at the *jamábandi* of the said (Sháhápur) *táluka*, is forwarded with this order for your guidance. Its receipt should be acknowledged by a report.

(Signature.)
Superintendent, Revenue Survey.

Dated 10th April 1867.

Village Officers have been furnished with copies and the necessary report has been submitted to the Superintendent, Revenue Survey.

Recorded.

VISHVANÁT SHIVRAM,
Mámlatdár.

Dated 30th April 1867.

Memorandum containing the terms of the Survey Settlement to be announced to the rayats at the jamábandi of Kolvan.

1. Though the Survey Settlement is now introduced provisionally for one year, *i. e.*, 1864-65, it will, if sanctioned by Government, extend over a period of 30 years from the current year.

2. It has been settled to levy over and above the assessment fixed at the Survey, a cess of one anna on every rupee of assessment for the construction of roads, school-houses and tanks. The cess accordingly will be levied and the money will be expended on such works.

3. In those numbers set aside for Government or other purposes, no one will be permitted to use such lands for any (other) purposes. If any one does so, he will be liable to the penalty set forth in section 33 of the Act.

4. At the time of the Survey the *varkas* lands, from which you had been removing *táhál* and other *rább* materials without paying any assessment and which had not been measured off till then, were broken into numbers assessed and entered separately in your names. With the exception of teak, blackwood, and such other timber trees as would be reserved by Government, the registered occupants of the numbers are entitled to cut under section 40 of the Act from the forest in their numbers, *táhál* and wood for domestic purposes, *i. e.*, wood for agricultural purposes and for fuel; but they are not allowed to cut for trade.

5. If those who hold numbers for cultivation do not wish to retain them for the next year, they should relinquish the occupancy in writing, failing which they shall have to pay the assessment of such numbers for the year under section 42 of the Survey Act.

6. Those who wish to have more numbers for cultivation should apply to the *táluka* (authorities) in writing. But if they cultivated the numbers unauthorizedly, five times the assessment of the land will be recovered from them under section 39 of the Act and they will be evicted therefrom.

7. After some days the boundaries of forest lands will have to be demarcated and confirmed. Government have reserved to themselves the power to reappropriate the lands now given (as mentioned above in paragraph 4)[1] to the rayats, should the same be hereafter required to be included in the forest.

Forwarded to the *Mámlatdár* of Sháhápur.

(Signature.)
Superintendent, Revenue Survey.

*Dated * April 1867.*

The above insertion in red ink in paragraph 7 is made as per Colonel Anderson's *yádi* No. 16, dated 27th September 1878, communicated under the Collector's order No. 2, dated 2nd October 1878.

BALÁJI LAKSHMAN,
Mámlatdár.

Doted 22nd October 1878.

Exhibit No. 24.

(Referred to at page 37.)

Circular No. 86.

Government Resolution No. 294 dated 20th January 1874. Substance of paragraph 2.

His Excellency the Governor in Council thinks that the rayats holding rice land must be allowed to cut *shindád* in *gurcharan* land and village reserves, but none of the trees mentioned in the margin nor any fruit-bearing tree should be cut. The rayats should be given to understand that this concession would, in case of abuse, be withdrawn. Where Government and village forests are not separately marked off the Collector may use his discretion in granting the concession in any forest land. But the cutting of *shindád* in Government forests, which are demarcated, should be strictly prohibited.

Teak, Blackwood, *Tivas, Ain, Kalam, Hedu, Koshimb, Kinai, Bibla, Khair, Ńána, Bonda, Asána, Hum, Shivan, Dhávda and Bábhul.*

---

[1] The words included in the parenthesis are written in red ink.

To

RÁV SÁHEB MÁMLATDÁR,

Táluka Sháhápur.

Steps should be taken to regulate the practice as stated in the circular order.

(Signature.)

Dated 6th March 1874. Collector.

Exhibit No. 25.

(Referred to at page 37.)

Circular No. 57.

FROM

THE COLLECTOR OF THÁNA;

To

RÁV SÁHEB MÁMLATDÁR OF SHÁHÁPUR.

By a recent Government Resolution the rayats of a village which has neither *ráb* materials nor wood for fuel have been prevented from drawing these materials from the forest of a neighbouring village. But with the permission of the Revenue Commissioner you are given to understand that this prohibition does not hold good in the case of those who would clearly prove that they have been for many years drawing these materials from the forest of a neighbouring village.

2. You should give such people to understand clearly that this concession is a temporary and conditional one.

3. These people should also be informed that this departure from the strict orders of Government is allowed only on the condition that they would try their utmost to produce jungle in their *varkas* lands by planting trees in them so as to be able within two or three years to procure their *ráb* materials and firewood independently of Government forests. They should also plant in the *varkas* near their fields *nándrukh*, banian, *umbar* and other forest trees and grow *kasád* grass on field bunds and such other places. They should manage to carry out these instructions from the ensuing monsoon. It should also be made known to them that they should always bear in mind that this privilege of removing *ráb* materials and firewood from the forest of the neighbouring village will be withdrawn, if they would fail to plant trees or neglect the existing trees in the ensuing monsoon.

4. They should clearly be given to understand that they should not expect to remove either *ráb* material or firewood from Government forest after two or three years and that they should manage to plant trees in *varkas* land and on field bunds as directed above; and if they failed to follow these instructions, the restrictions would be enforced at once. The concession hereby given will be extended to some reasonable period if the instructions about planting trees in *varkas* lands be carried out. The rayats should go on planting year after year till the object in view is fully attained. If they stopped their efforts of planting trees, the concession of obtaining *ráb* free accorded to them will be all at once withdrawn.

5. They should moreover be given to understand that as I have obtained this conditional permission with great difficulty, they should always bear in mind that the concession about *ráb* materials and firewood will be withdrawn sooner or later. They should therefore manage to obtain an independent supply of *ráb* and firewood by making ceaseless efforts in planting trees and growing *kasád* on their field bunds and such other places during the period of grace which I have secured for them.

6. This concession is not applicable to large villages as well as to coast villages.

J. MOORE,

Collector of Thána.

Dated 7th February 1876.

Exhibit No. 26.

(Referred to at page 37.)

FROM

THE MAMLATDÁR OF KALYÁN;

To

THE PÁTIL AND TALÁTI,

Saza Ambarnáth.

Pursuant to the Collector's order marginally noted, permission is given for this year to cut *shindád* in forest numbers not included in the Reserved forests. This should be explained to all the rayats in the *saza* as soon as you receive the order. You should see that nobody acts contrary to this order. No one has permission (to cut *shindád*) in Reserved forest numbers.

B. Circurlar No. 30, dated 25th December 1879.

BALVANTRÁV ATMÁRÁM,

Dated 31st December 1879. Mámlatdár.

Exhibit No. 27.

(Referred to at page 37.)

FROM

THE MÁMLATDÁR OF KALYÁN;

To

THE PÁTIL AND TALÁTI OF AMBARNÁTH *SAZA*.

Under Circular No 21, dated 14th December 1881, from the Collector of Thána, the rayats have been allowed this year to cut *shindád* for *ráb* in forest numbers not included in the Reserved forest. No one has permission to cut *shindád* in Reserved forests; this order is issued for the current year only and it applies to those only who have hitherto been allowed to cut *táhál* for *ráb*.

(Signature.)
Mámlatdár.

Dated—December 1881.

Exhibit No. 28.

(Referred to at page 37.)

Rules regarding Ráb Materials.

1. Only the survey occupants and the sub-tenants who have no *varkas* land or have insufficient *varkas* land will be permitted to take *ráb* from other than their *varkas* land. *Ráb* will not be allowed to those who have cleared their lands of trees.

2. Trees should never be felled for *ráb;* only branches of trees other than those that are specially reserved will be allowed to be cut. The top-shoot should never be cut. Whoever will do injury to trees by cutting the top-shoot or in any other way while lopping the branches, shall be liable to pay the value of the whole tree under the provisions of Section 43 of the Land Revenue Code.

3. The above concession only applies to the residents of those villages in which the land is situated.

4. *Ráb* should be cut and removed from 1st April to 31st May.

5. In case any Protected or Reserved forest of a village is burnt or injured, the rayats of that village will not be allowed to cut *táhál* for *ráb* from the Government waste land.

6. Whoever will allow his *ráb* to burn in such a way as would cause damage to the neighbouring forest shall be liable to six months' imprisonment under clause (*d*) of Section 32 of the Indian Forest Act.

7. *Ráb* should only be burnt in one's own holding.

8. The residents of non-forest villages will be allowed to take *ráb* materials from the Government waste land on payment of 8 annas a cart-load.

9. People should purchase *ráb* twigs at the periodical sales which would be conducted by the Forest Department.

Circular No. 36.

Forwarded to the *Mámlatdár* of Sháhápur for information and guidance.

According to the rules the people are allowed to cut *ráb* from 1st April. If this date is unobjectionable the rule should be enforced; otherwise a full report giving reasons should be submitted.

(Signature.)
Collector.

Dated 27th November 1882.

Exhibit No. 29.

(Referred to at page 37.)

Circular No. 40.

FROM

THE COLLECTOR OF THÁNA;

To

RÁV SÁHEB MÁMLATDÁR,
Sháhápur.

On the recommendation of the officers of the Forest Department that little injury is done to trees, if they are lopped in the months of April and May, it has been provided in Rule 4 of the rules on the subject of *ráb*, circulated under this office No. 36, dated 27th

November 1882, that trees should be lopped in those months. But as it has now been brought to notice that the leaves for *táhál* or *shindád* will drop down in April and May, the rayats of all the *tálukás* other than Váda, Dahánu including Umbargaon and Sháhápur including Mokháda, where they are allowed to cut *táhál* in the *gurcharan* (Protected forest) and *málki varkas* numbers, may cut *táhál* in *gurcharan* (Protected forest) during the three months from this date. The officers of the Forest Department will not object to this. Copy of this circular should be forwarded to the forest inspector of your *táluka*, and it should be made known to all people in your *táluka* within three days.

(Signature.)
Collector.

Dated 13th December 1882.

Exhibit No. 30.

(Referred to at page 37.)

In reply to a petition from Ganpat Rávji Adhikári and other rayats of Sháhápur *táluka*, dated 29th November 1883, regarding the prohibition of the cutting of *táhál* for *ráb*, the Collector of Thána in his Sháhápur outward No. 31 stated as follows :—

1. No orders have as yet been received from Government in connection with the notification about *ráb* which is proposed to be published; and it is hereby ordered that until the Government orders are received, the new system is not to be brought into force.
2. An order has been issued that there is no objection for people in your *táluka* to bring free head-loads of dry fallen wood for domestic consumption.
3. I have recommended to Government that Kátkaris, Várlis, Kolis and Thákurs may be permitted to take away for sale head-loads of dry fallen firewood free of charge, but pending the orders of Government the last year's *vahivát* (course) in this matter is to be adhered to.

(Signature)
Collector.

Dated 30th November 1883.

Exhibit No. 31.

(Referred to at page 37.)

Circular No. 14.

At the meeting of the Revenue and Forest Officers held at the Collector's office in Thána on the 19th and 20th October 1883, it was unanimously resolved that in supersession of all previous orders on the subject of *ráb*, the following rules should be enforced in the current year :—

For the Residents of Forest Villages.

They are allowed to go into the forest, both Protected and Rreserved, for cutting grass (provided it is not specially preserved and sold by auction), *Kasád* (rough grass) and *karandi, ukshi, dhávti, kálákuda, ámni, kárvi, phángli, shemti, karvati, kuda*, and other brushwood (scrub forest) and for gathering leaves (excepting those of *tembhurni, palas* and *apta*).

2. With the exception of the 25 kinds of trees mentioned below they may lop all other trees in forests gazetted as protected :—

   Teak, blackwood, bamboo, *ain, hed, nána, kalam, asána, bibla, shivan, khair, koshim, dháida, tivas, jámb, kinjal, kinhai, bonda, hum, bábhul, mowra*, mangó, tamarind, *jámbhul*, and jack.

   Only side branches should be lopped; top-shoots should in no case be cut.

3. The residents of non-forest villages who cannot get sufficient *ráb* from their *varkas* should supplement their deficiency by :—

   (*a*) purchasing the same from private dealers or,
   (*b*) by bringing it at their own expense from those portions of forests which are specially kept open for the purpose on obtaining permits from the Forest Department.

Permission will be granted to cut only those kinds of brushwood which may from time to time be prescribed by the District Forest Officer. The period of cutting will run from 1st December 1883 to 31st March 1884, both days inclusive.

4. It should be clearly understood that these orders will remain in force only from 1st December 1883 to 31st March 1884, and that they will be liable to revision next year.

T. D. MACKENZIE,
Acting Collector.

7th November 1883.

B 1417—36 o

Exhibit No. 32.

(Referred to at page 37.)

Statement showing the number of Teak and Blackwood trees sold to people in the Sháhápur Táluka of the Thána District.

No.	Name of Village.	Survey Numbers from which Trees are allowed to be cut.	Name of the Person to whom permission has been granted.	Number and kind of Trees allowed to be cut.	Amount realized. Land Revenue.	Amount realized. Local Fund.	Date, Month and Year in which the Amount was credited.	Number and Date of the Order and the authority issuing it.
1	Umbarkhand ..	28, 29	Ambo Govind Pátil ..	2 teak trees ..	5 4 0	....	12th August 1873 ..	Pránt officer's order No. 1351, dated 21st June 1873 on report No. 42.
2	Naváre	6	Ambo Krishnáji Pátil ..	Number not specified (all trees).	0 8 0	....	7th January 1867 ..	*Táluka* order No. 278, dated 26th September 1866.
		11, 12, 13, 14	Sakhya Bhiva Mhár ..	Do. ..	6 2 0	....	10th August 1868 ..	*Táluka* order dated 4th August 1868.
3	Vághlvli	2	Bálu Govind Pátil ..	2 teak trees .. 1 *khair* .. 1 *palas* ..	0 6 3	....	14th August 1873 ..	Pránt officer's No. 46, dated 24th June 1873, on report No. 46.
4	Yeklahare	49	Rám Pátil Dev Pátil ..	1 blackwood .. 1 teak and 8 *injáili* trees.	2 0 0	....	5th January 1872 ..	Pránt officer's No. 98, dated 27th November 1871, on report No. 53.
5	Gávandh	27, 28	Padu *bin* Ganu Kadav ..	All the trees ..	3 0 0	....	10th August 1868 ..	*Táluka* order dated 6th August 1868.
6	Pádále	22	Kánu *bin* Mahádu ..	Do. ..	8 0 0	....	9th March 1872 ..	Pránt officer's order No. 21, without date, on report No. 18.
7	Rájpuri	95, 96	Náma Lakhu Shelvála ..	Do. ..	3 0 0	....	19th January 1867 ..	*Táluka* order No. 475, dated 26th November 1866.
		108	Jánu Hema	Do. ..	0 14 0	....	Do. ..	Do.
		69, 172, 175	Vith Pátil *bin* Bál Pátil ..	Do. ..	2 4 0	....	Do. ..	Do.
		37, 38, 39	Alya Gaurya	20 teak trees and, 60 *injáili* trees.	14 4 0	....	25th July 1868. ..	*Táluka* order No. 835, dated 6th July 1868.
		54	Dharmya *valad* Kánhya.	1 ..	0 8 0	....	Do. ..	
		62	Hárya *valad* Abya ..	All the trees ..	1 8 0	....	23rd May 1870 ..	Pránt No 34, dated 28th May 1870.
8	Pendhri	36, 38	Hári Sakh Pátil ..	3 teak trees and 47 *injáili* trees.	7 12 0	....	6th June 1876 ..	Pránt officer's order dated 7th April 1876.
		194, 196	Ahmad Dháklya Telí ..	1 hedu .. 1 kalam. 1 *ain*.	1 4 0	....	22nd November 1875	Pránt officer's order No. 37, dated 22nd November 1875, on report No. 29.
		85, 86	Goma Baju	1 teak .. 1 *khair*. 6 *ain* trees.	1 10 0	....	15th June 1877 ..	Pránt officer's order No. 391, dated 24th May 1877, on report No. 76.
		168	Kálu Sambhu	3 teák and 6 *ain* trees.	2 0 0	....	16th May 1877 ..	Pránt order No. 79, dated 7th April 1877, on report No. 54.
		158	Cháhu Bháji	1 teak. .. 4 *injáili* trees.	2 0 0	....	25th July 1871 ..	Thána Collector's No. 862, pránt No. 73, dated 9th July 1871, on report No. 116.
9	Talváde	112	Váman Bálkrishna ..	11 teak .. 16 *injáili* trees ..	12 12 0	....	31st October 1871 ..	Pránt No. 83, dated 8th September 1871, on report No. 67.
10	Chodhroti	116	Kamloji Nágoji Pátil ..	800 ..	480 0 0	....	....	The fee was charged per hundred. Forest officer's order No. 855, dated 20th January 1873.
11	Asangáv	22	Váman Pándurang ..	110 ..	66 0 0	....	....	Do. No. 1063, dated 6th February 1873.
12	Khardi	19	Shekh Abdalla	28 ..	16 12 10	....	....	No. 1030, dated 3rd February 1873.
13	Nandgáon	156, 166	Keshav Bálkrishna ..	150 ..	113 2 0	....	22nd March 1879 ..	Collector's No. 232, dated 3rd February 1879.
14	Chariv	23, 24	Málu *bin* Keru	14 teak .. 28 *injáili* trees.	7 8 0	0 7 6	20th August 1872 ..	Pránt order No. 64, dated 8th July 1872.
15	Kudshet	17	Pálho Jetu Hindole ..	35	17 3 0	....	30th May 1878.	Permission was given by the Forest Department on payment of Rs. 50 per cent.
		28	Dharma Lakhma Hindole.	69 ..	34 8 0	....	Do.	
		8, 42	Ráma Bahiru	110+16=126	53 0 0	....	Do.	
16	Neharoli	45	Ambo Ráma	12	6 0 0	....	20th February 1873.	Conservator's order No. 307, dated 7th September 1872.
		29	Máhádu Parsu Pátil ..	3 teak .. 35 *injáili* trees.	3 2 0	0 3 1	29th August 1875 ..	Pránt No. 50, dated 14th August 1877.
17	Nadgáon	247	Kálu Bálu	16	8 0 0	....	10th May 1873 ..	Deputy Conservator's No. 1029, dated 4th March 1873. The fee was charged at the rate of Rs. 50 per hundred.
18	Sápgaon	32	Dáji Ráma Sarphe ..	11 ..	8 4 0	0 8 3	20th January 1870 ..	Price was received as estimated by *panch*. Thána Collector's order No. 139 of 1869-70.
		29	Kánu Har Pátil Andáde.	23 ..	16 2 10	1 0 2	30th April 1870 ..	Collector's order dated 1st March 1870.
19	Andád	....	Dharma Amrit Pátil ..	No record ..	6 13 0	0 7 0	8th May 1866.	
			Tukya Jánya	,, ..	8 10 6	0 8 6		
			Mahádu Hema	,, ..	2 0 0	0 2 0		
			Bálu *bin* Námáji ..	,, ..	17 7 0	1 1 6		
			Abá Váloji	,, ..	16 5 0	1 0 6		
			Vásudeo Rámchandra ..	,, ..	7 1 0	0 7 0		
			Nágya Padya	,, ..	6 8 6	0 6 6		
			Dharma *bin* Abáji ..	,, ..	3 11 0	0 3 6		
			Ráma *bin* Ambo ..	,, ..	3 5 6	0 3 6		
20	Hiv	75	Kádir *valad* Ali Sáheb	,, ..	600 0 0	....	25th July 1865 ..	
21	Bávghar	5, 56, 74	Vithya *valad* Padya Mhár.	,, ..	5 10 0	....	11th April 1866 ..	Mahálkari's order No. 815, dated 11th June 1866.
					7 0 0	....	13th June 1866 ..	
		1, 5, 11, 40, 42, 74, 76, 77.	Dharmáji Govind ..	,, ..	38 7 10	....	7th March 1866 ..	
					28 1 2	....	9th April 1866 ..	
		1, 3, 5, 56, 74, 76.	Dharma *bin* Hári Tivra	,, ..	11 9 0	....	17th March 1866 ..	
					6 11 0	....	9th April 1866 ..	
		3, 56, 42, 56, 74	Bápu *bin* Tukya ..	,, ..	9 3 6	....	17th March 1866 ..	
					7 5 6	....	9th April 1866 ..	
		1	Apa Krishna	,, ..	2 8 0	....	17th March 1866 ..	
		1, 42, 76	Hári Dev Tivra ..	,, ..	1 8 0	....	Do. ..	
					2 12 5	....	9th April 1866 ..	
		3, 74	Ambo Satva	,, ..	1 8 0	....	17th March 1866 ..	
					4 1 6	....	9th April 1866 ..	
		5, 40, 56	Jet Pátil Dev Pátil ..	,, ..	2 2 7	....	10 March 1866 ..	
					1 9 6	....	9th April 1866 ..	
		5, 11, 40, 42 74	Rágh Pátil Devji Pátil ..	,, ..	12 11 1	....	10th March 1866 ..	
					9 0 6	....	9th April 1866 ..	
		5, 76, 77	Sambhu *bin* Nágo ..	,, ..	4 0 0	....	10 March 1866 ..	
					4 8 0	....	9th April 1866 ..	
		5, 40, 77	Bálu Krishna	,, ..	4 15 6	....	Do. ..	
		40, 77	Bháu *bin* Hula	,, ..	0 11 6	....	Do. ..	
		74	Kamlu Hula	,, ..	0 7 6	....	Do. ..	
		76	Vitiu Dádu	,, ..	6 4 10	....	Do. ..	
		76	Nágo Rágho	,, ..	5 0 8	....	Do. ..	
		40, 76, 77	Mahádu Dharma ..	,, ..	9 5 11	....	Do. ..	
		56, 74	Bháu Náma	,, ..	5 6 0	....	Do. ..	

No.	Name of Village.	Survey Numbers from which Trees are allowed to be cut.	Name of Person to whom the permission has been granted.	Number and kind of Trees allowed to be cut.	Amount realized. Land Revenue.	Amount realized. Local Fund.	Date, Month and Year in which the Amount was credited.	Number and Date of the Order and the authority issuing it.
22	Madh	14	Pálya *valad* Chángya ..	8 *Ain.* .. 2 *shemat* and 2 teak trees.	0 15 0	....	29th June 1878	Prânt No. 439, dated 20th June 1877.
23	Alyávri	41	Hema Antoji	300 ..	150 0 0	....	.. ..	Forest Department order No. 856, dated 10th March 1873. The fee was charged per hundred.
24	Musai	51	Bálu *bin* Pos Pátil ..	7 ..	3 8 0	....	....	Do. No. 1299,
25	Vándre	55	Hásan *valad* Mahomed Farid (now) Dorábji Bálábhái.	Sold by auction; number of trees not mentioned.	90 0 0	....	24th July 1865.	dated 19th March 1870, Collector's order No. 174, dated 28th September 1869-70.
26	Kháre	21, 23, 42	Ibráhim *valad* Ali Khot Divekar of Borivli.	Do. ..	486 0 0	....	Do.	
27	Bhoráde	11	Dorábji Bálábhái ..	Do. ..	53 0 0	....	25th July 1865.	
28	Sárnal	74, 23	Námáji Gan Pátil ..	300+100=400 ..	142 12 0	1 10 0		
		9	Mahádu Rávji Pátil ..	5 ..	0 8 0	0 0 6		
		73	Padu *bin* Bálu	300 ..	15 0 0	0 15 0		
		89, 45	Bhiku Bápushet ..	80+60=140 ..	17 8 0	1 1 6		
		174	Bháu Mahádu	36 ..	4 0 0	0 4 0		
		73	Náu Náma	40 ..	5 0 0	0 5 0		
		108, 74, 9	Dhondshet Khandshet .	100+45+10=155 ..	12 8 0	0 12 6		
		28, 9	Ambo Abáji	5+35=40 ..	1 8 0	0 1 6		
		116	Padu Abáji	75 ..	2 8 0	0 2 6		
		74, 89, 95	Rágho Bángo	30+50+10=90 ..	9 0 0	0 9 0		
		216	Bálu Gauru	150 ..	7 8 0	0 7 6		
		116	Kondya Hálo	16 ..	1 0 0	0 1 0		
		28	Pálho Ambo	10 ..	0 8 0	0 8 6		
		28	Kamlu *Dharma* ..	5 ..	0 4 0	....		
		28, 9	Dev Dharma	10+25=35 ..	1 4 0	0 4 0		
		74	Ladku Jaitu	50 ..	4 0 0	0 4 0		
		74	Dháu Bángo	10 ..	1 0 0	0 1 0		
		114	Jagya Deshmukh ..	10 ..	0 12 0	....		
		89	Deu Rágho	120 ..	12 0 0	0 12 0		
		89	Rágho Mahádu	20 ..	2 0 0	0 2 0		
		73	Deu Nimba	200 ..	6 4 0	0 6 0		
		89, 45	Náráyan Rámshet ..	60+40=100 ..	12 8 0	0 12 6		
29	Sáne	5	Bandhu Ambo	16 ..	3 0 0	0 3 0		
		15	Kálya Nágo	6 ..	1 4 0	0 1 0		
		5	Mahádpátil *bin* Pad Pátil	11 ..	2 0 0	0 2 0		
		15	Hár Pátil Báng Pátil ..	1 ..	0 3 0	....		
		48	Málu Dháu	6 ..	1 4 0	0 1 0		
		4	Bálu Bángo	2 ..	0 6 0	0 0 6		
		21	Bálu Kálu Mhátóra ..	3 ..	0 10 0	0 0 6		
		5	Bálu Nágo Ekryá ..	5 ..	1 0 0	0 1 0	21st July 1865.	
		15	Bháu Báng Pátil ..	20 ..	4 0 0	0 4 0		
		20	Dháu Dhondu	1 ..	0 3 0	....		
30	Dáhágáon	124	Hár Pátil Amboji Pátil .	350 ..	25 0 0	1 9 0		
		149	Jánu Bhika Úghada ..	150 ..	12 0 0	0 12 0		
		145	Ján Pátil *bin* Gon Pátil.	80 ..	8 0 0	0 8 0		
		20, 13	Bálu Ján Shelár ..	50+400=450 ..	23 2 0	1 7 0		
		145	Bálu Khand Pátil ..	200 ..	20 0 0	1 4 0		
		61, 62	Jánu Goma Úghada ..	700+125=825 ..	62 8 0	3 14 6		
		50, 7, 20	Hiru Chango Jádhav ..	15+50+50=115 ..	8 2 0	0 8 0		
		10, 20, 7	Govind Pátil *bin* Bál Pátil.	200+200+100=500 ..	33 4 0	2 1 0		
		131	Jáya Abya Mhár ..	11	2 1 0	0 2 0		
		118, 149	Jáu Nár Pátil	500+500=1,000 ..	60 0 0	3 12 0		
		10, 50, 20	Bálu Varkhada	300+40+50=390 ..	23 0 0	1 7 0		
		20, 2	Háryа Ráb Pátil ..	10+5=15 ..	4 0 0	0 4 0		
		150, 7	Sakhya Ráb Pátil ..	75+100=175 ..	10 0 0	0 10 0		
		72	Pad Pátil Dund Pátil ..	512 ..	35 0 0	2 3 0		
		83	Jánu Náma Sávat ..	600 ..	43 0 0	3 0 0		
		Village site.	Bái Pátil Govind Pátil, .	25 ..	5 0 0	0 5 0		
		45	Vishrám Krishna Pátil .	500 ..	30 0 0	1 14 0		
		150, 120	Bhiva Ambo Jádhav ..	50+25=75 ..	7 2 0	....		
31	Kátbáv	1, 11	Bhika Dháu	2+100=102 ..	13 8 0	0 13 6		
		1, 11	Hár Pátil Amboji Pátil.	102+80=182 ..	20 0 0	1 4 0		
32	Páli	9, 26, 11, 14	Gan Pátil Nágoji Pátil ..	6+9+5+5=25 ..	4 12 0	0 4 6		
		37	Rám Pátil Ján Pátil ..	9 ..	2 0 0	0 2 0		
		21	Hiri, widow of Hema Máli.	6 ..	1 4 0	0 1 0		
		9, 11	Ráma Alo Tarnya ..	2+5=7 ..	1 8 0	0 1 6		
		1, 9, 26	Bálu Bángo Jádhav ..	3+5+6=14] ..	3 1 0	0 3 0		
		37	Bápu Gauru Hálkya ..	25 ..	5 0 0	0 5 0		
		14	Báng Pátil Ján Pátil ..	4 ..	1 0 0	0 1 0		
		26	Hemya Rábya Mhár ..	4 ..	1 0 0	0 1 0		
		14	Jagu Mahádu	6 ..	1 4 0	0 1 0		
		83	Cháhu Lakshman .	11 ..	1 2 0	0 1 0		

Exhibit No. 33.

(Referred to at page 38.)

Order of Sentence.

The Court decides that the accused Dhondu bin Shiváji Shinde, Forester, *táluka* Sháhápur, has committed the offence specified in the charge, namely, house-trespass and theft. The accused entered the house of one A'ba bin Gauru Sapát at Hiv, in the Sháhápur *táluka* of the Thána District, searched his house without sufficient reasons and took away therefrom dishonestly and without the (complainant's) consent Rs. 11 on 23rd August 1880, and has thereby committed the offence punishable under Section 451 of the Indian Penal Code. The Court therefore directs that the said Dhondu bin Shiváji Shinde be sentenced to two months' rigorous imprisonment.

BA'LA'JI LAKSHMAN,
2nd Class Magistrate, Bhivandi.

Dated 16th September 1880.

In disposing the appeal against the above decision, the District Magistrate confirmed the sentence and remarked as follows :—

I do not interfere in the sentence, but I would remark that as there is no direct evidence of the money having been taken away, the accused should have been sentenced under Section 448 instead of 451, Indian Penal Code. Many cases of forest guards having searched houses without authority have come under my notice. The sentence awarded cannot therefore be considered to be too severe.

Dated 15th October 1880.

Exhibit No. 34.

(Referred to at page 38.)

Order of Sentence.

The Court decides that the accused Kálu bin Chima Lohár and Nathya bin Nána Lohár, inhabitants of Kavdás, *táluka* Sháhápur, have committed the offence specified in the charge, *viz.*, theft. The accused took away dishonestly and without consent, *ain* and *mowra* wood worth 12 annas belonging to Government from the land which has been sub-let to them for cultivation, and have thereby committed the offence punishable under Section 379 of the Indian Penal Code. The Court therefore directs that the accused Kálu bin Chima Lohár and the accused No. 2 Nathya be sentenced to rigorous imprisonment for six and four days respectively. The wood should be sold by auction and the amount realised credited to Government.

BA'LKRISHNA SHIVRA'M KORDE,
Magistrate, 3rd Class, Sháhápur.

Dated 13th June 1882.

Exhibit No. 35.

(Referred to at page 38.)

Extract from the Judgment in the Case Imperatrix vs. *Bál Pátil bin Kamáji Pátil of Dhámni, in Sháhápur táluka.*

The accused Bál Pátil bin Kamáji Pátil of Dhámni is charged with having dishonestly and without consent cut and removed a *mowra* tree worth, about Rs. 3½ belonging to Government and standing in his *pátilki inám* land, Survey No. 10, known as Talvatshet, in the village of Dhámni.

After giving his reasons the Magistrate (Mr. Yashvantráv Dattátrya) decides that the accused has committed the offence of theft as specified in the charge and punishable under Section 379 of the Indian Penal Code, and directs that the accused Bál Patil bin Kamáji Pátil be sentenced to simple imprisonment for 6 days and to pay a fine of Rs. 5, in default of which to undergo additional 15 days' simple imprisonment.

Dated 26th September 1882.

Exhibit No. 36.

(Referred to at page 38.)

Order of Sentence.

The Court decides that the accused Cháng Pátil bin Dhambáji Pátil and Dharma bin Cháng Pátil have committed the offence specified in the charge, namely, that the accused having no right to cut trees dishonestly and without the complainant's consent took away

a fallen *ain* tree valued at Rs. 1½ from the land in his occupancy and thereby committed an offence punishable under Section 379 of the Indian Penal Code. The Court therefore directs that the accused No. 1 Cháng Pátil bin Dhambáji Pátil be sentenced to simple imprisonment for two days and to pay a fine of Rs. 5, and in default of which to undergo three days' rigorous imprisonment; and No. 2 Dharma bin Cháng Pátil be sentenced to six days' rigorous imprisonment and to pay a fine of Rs. 7, in default of which to undergo four days' rigorous imprisonment. The fine, if not paid, to be recovered by distress and sale of the moveable property belonging to the accused.

BA'LKRISHNA SHIVRA'M,
3rd Class Magistrate, Sháhápur.

Dated 25th July 1881.

Exhibit No. 37.

(Referred to at page 42.)

Circular No. 54.

Extract from Bárnishi Register of the Sháhápur táluka of an order given to Talátis.

On a correspondence which ensued on a memorandum of errors discovered by the Collector while examining the papers of the Sháhápur *saza* for the year 1872-73 and bearing Thána Collector's inward No. 250 of 1873-74 and *Prant* No. 361, the Collector of Thána ordered, under date 14th July 1874, as follows:—

With reference to paragraph 4 of the memorandum no endorsements regarding trees have hitherto been written in Village Form No. 1. Details must be given in remarks column as per instructions (clause 6) below Village Form No. 1, but as the task of counting trees in survey numbers of forest villages would be a laborious one, wells and proprietary trees in *málki* numbers should only be counted with accuracy, and the number of such trees and wells should be entered against the numbers in Village Form No. I, and the remaining trees should be endorsed as belonging to Government. This work should be done as soon as possible.

Dated 25th July 1874.

Exhibit No. 38.

(Referred to at page 42.)

Statement showing the Cases in which punishment was inflicted for cutting, without permission, Trees in Málki Numbers in the Sháhápur Táluka of the Thána District.

No.	Name of Accused.	Offence.	Sentence.	Date of Sentence and by whom decided.	Remarks.
1	Ganga bin Máya Lohár, inhabitant of Kothale.	Breach of rule 2 of the notification of the Government of Bombay, No. 5587, dated 18th October 1879, on the Forest Act. In that the accused being holder of the land containing Government trees, cut, without permission, 71 trees of *ain*, *dhávda* and *hed*, of the aggregate value of Rs. 25.	Sentenced to rigorous imprisonment for 15 days under Section 76 of Act VII of 1878.	3rd March 1880. By Ráv Sáheb Báláji Lakshman, 2nd Class Magistrate.	
2	Gunáji bin Jánu Hámbir of Kothale.	As above, trees 26	Ten days' rigorous imprisonment under Section 76, Act VII of 1878.	Ditto.	
3	1 Solu bin Dharma. 2 Kánhya bin Dharma. 3 Dhondya bin Dháu. 4 Govinda bin Dharmáji. 5 Cháhya bin Námáji. 6 Rágho bin Jagu... 7 Solu bin Ráma of Válset.	Breach of the rules under the Forest Act. Accused being holders of land in Survey No. 152, cut without obtaining permission from Government officials, two trees, one *mowra* and one *ain*, valued at Rs. 10.	Nos. 2—7 were discharged for want of proof. No. 1 convicted and sentenced to a fine of Rs. 30, in default of which to undergo 7 days' rigorous imprisonment under section 76, Act VII of 1878.	23rd June 1880. By Ráv Sáheb Báláji Lakshman, 2nd Class Magistrate.	
4	1 Ráma bin Gan Pátil. 2 Kamlu bin Har Pátil. 3 Náma bin Chav Pátil. 4 Goma bin Gopál Pátil of Válset.	Cut *dhávda*, *bonda*, and *asdna* trees of the aggregate value of 8 as. in Survey No. 130 held by one Mahádu Dhamba Pátil.	Nos. 1—4 sentenced each to undergo simple imprisonment for one day and to pay a fine of Rs. 5, in default of payment to undergo 7 days' rigorous imprisonment under Section 379, Indian Penal Code.	29th June 1880. By Ráv Sáheb Báláji Lakshman, 2nd Class Magistrate.	

No.	Name of Accused.	Offence.	Sentence.	Date of Sentence and by whom decided.	Remarks.
5	Ganpat Atmárám, Deshmukh of Mánjre.	Cut 1 *asdna* tree of the value of 10 as. in a *málki* number.	Sentenced to undergo one day's simple imprisonment and to pay a fine of Rs. 2, in default of which to undergo 5 days' rigorous imprisonment under Section 379, Indian Penal Code.	12th August 1880. By Ráv Sáheb Báláji Lakshman, 2nd Class Magistrate.	
6	Deu bin Bhoru Thákur of Padigále.	Cut without permission wood of *injáili* kind of the value of Rs. 2 in the *varkas* number standing in the name of Hár Pátil bin Rám Pátil.	Six rupees fine, in default of payment 4 days' rigorous imprisonment under Section 379, Indian Penal Code.	14th May 1881. By Azam Bálkrishna Shivrám, 3rd Class Magistrate,	
7	Ráma bin Jáu Pátil of Pásáne.	Brought without permission for agricultural use a rafter of an *injáili* tree of the value of one anna in the occupied *varkas* survey number.	Two rupees fine, in default of payment 2 days' simple imprisonment under Section 379, Indian Penal Code.	16th July 1881. By Bálkrishn Shivrám, 3rd Class Magistrate.	
8	Padu bin Antu Shelar of Helonde.	Cut 9 *injáili* trees valued at Rs. 2 and standing in occupied survey numbers 37 and 38 in which Government have right to trees.	Twenty days' rigorous imprisonment under Section 379, Indian Penal Code.	2nd June 1882. By Azam Bálkrishna Shivrám, 3rd Class Magistrate.	
9	Ráma Pad Pátil of A'mbivli.	Cut without permission *injáili* trees of the value of Rs. 1-15-0 belonging to Government in his *vahivát* land.	Eight rupees fine, in default of payment 4 days' rigorous imprisonment under Section 379 of the Indian Penal Code.	31st August 1883. By Azam Bálkrishna Shivrám, 3rd Class Magistrate.	
10	Dundya Rágho of A'mbivli.	Cut without permission an *injáili* tree valued at Rs. 4 from the land standing in his name.	Twelve rupees fine, in default of payment 5 days' rigorous imprisonment under Section 379 of the Indian Penal Code.	Ditto.	
11	Dhágo Ráma of A'mbivli.	Cut without permission *injáili* trees of the value of Re 0-7-6 in the land in his *vahivát*.	Rs. 4 fine, in default of payment rigorous imprisonment for three days under Section 379 of the Indian Penal Code.	1st September 1879. By Azam Bálkrishna Shivrám, 3rd Class Magistrate.	
12	Rávji Ráma of A'mbivli.	Cut without permission *injáili* trees of the value of Rs. 2 in the land in his *vahivát*.	Ten rupees fine, in default of payment rigorous imprisonment for 6 days under Section 379 of the Indian Penal Code.	Ditto.	

Exhibit No. 39.

(Referred to at page 44.)

List of Rates to be charged for Forest Produce removed under Permits from the Government Forests by Villagers for their own bonâ fide use or for some local industry in the Thána District.

Description of Forest Produce.	Large Cart.	Small Cart.	Man's head load.	Woman's head-load.	Child's head-load.	Per 100.	Per single Bamboo.	
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Firewood ...	1 0 0	0 8 0	0 0 9	0 0 6	0 0 3	...	...	
Bundhis (Bamboo)	1 0 0	0 8 0	0 0 6	0 0 6	0 0 6	...	...	Head-load of *bundhis* in Salsette being 2 annas.
Mánvel do. ...	For Buruds		0 2 6	0 2 6	0 2 6	...	...	
	,, Mhárs		0 1 0	0 1 0	0 1 0	...	...	
Padhai do. ...	...	...	...	...	...	5 0 0	0 0 9	
Jhita do. ...	0 6 0	0 3 0	...	...	...	...	...	
Kárvi	0 8 0	0 4 0	0 0 6	0 0 6	0 0 6	...	...	

Thána, 30th October 1885.

G. W. VIDAL,
Acting Collector.

Exhibit No. 40.

(Referred to at page 55.)

Extract paragraph 6 from Order No. 113, dated 14th March 1861, issued by the Superintendent of Revenue Survey to the Mámlatdár of Bhivandi.

People should be prohibited from making use for *ráb* or any other purpose of the unassessed survey numbers, which have been endorsed in the statement of whole waste numbers as, 'for free grazing', "cattle to be grazed, preserving the forest", "grazing to be sold by auction," &c. The numbers should be used only for the purposes for which they are assigned and *talátis* should be directed to carry this out.

Exhibit No. 41.

(Referred to at page 56.)

In reply to the petition, dated 7th December 1863, from Govind Yadneshwar and others of Sápurde, *táluka* Bhivandi, praying that their *shindád* lands included in *gurcharan* survey Nos. 23 and 24, might be entered in their names, the Superintendent of Revenue Survey in his No. 1804, dated 11th December 1863, stated as follows:—

No steps can be taken from this office with reference to your application.

(Signature.)

Dated 11th December 1863. Superintendent, Revenue Survey.

Exhibit No. 42.

(Referred to at page 56.)

In reply to the petition, dated 7th December 1863, from Govind Yadneshwar Lele and others of Sápurde, *táluka* Bhivandi, praying that their *shindád* lands included in *gurcharan* survey Nos. 23 and 24 might be broken into separate numbers, the Collector of Thána in his No. 128, dated 7th May 1864, stated as follows:—

If the *shindád* land had been included in *gurcharan* numbers, you ought to have applied at the time of the Survey Settlement for the same being entered in your names; you failed to do so; and as your object in now applying for it is to obtain the trees contained therein, I do not see any reason to measure off the land into separate numbers.

(Signature.)

Dated 7th May 1864. Collector.

Exhibit No. 43.

(Referred to at page 56.)

In reply to the petition of appeal, dated 7th September 1864, from Govind Yadneshwar Lele of Angáv, against the Collector's order refusing to measure off the petitioner's *vahiváti shindád* land, which had been included in *gurcharan* numbers, the Commissioner, N. D., in his endorsement No. 109, dated 13th September 1864, stated as follows:—

No order other than what has already been passed by the Collector can be passed from this office.

(Signature.)

Dated 13th September 1864. Commissioner, N. D.

Exhibit No. 44.

(Referred to at page 56.)

(*Vide* Exhibit No. 43).

Exhibit No. 45.

(Referred to at page 57.)

(*Vide* Exhibit No. 25).

Exhibit No. 46.

(Referred to at page 59.)

Circular No. 125.

FROM

G. F SHEPPARD, ESQUIRE,

Acting Collector of Thána;

To

THE MA'MLATDA'R OF BHIVANDI.

Grass growing in the land marked off into forest numbers or otherwise set apart for forest should be sold by auction. The auction sale might be either for the whole *táluka* in

a single lot or by the *sazás* (groups of villages) or by villages as may be desirable in the interest of revenue. The highest offer at the second bidding should be reported before the 31st July for the present year, and in future years the report with the memorandum of sale should be submitted along with the report about the auction sale of grass in *kuran* numbers.

2. In the memoranda of such auction sales conditions should be inserted to the effect that the purchaser shall have to pay for any injury done to trees standing on the grass land, that he will be dealt with according to law if he were detected in removing any kind of wood stealthily, and that he should not take into the forest any implements, such as axe, &c., other than those used in mowing grass.

3. As soon as the sale is confirmed, the amount should be credited to Forest Department.

The above instructions should be carried out this year and also in future years.

Dated 5th July 1870.

P.S.—I am of opinion that it would be better if the sale were conducted by the *sazás*.

(Signature).
Collector.

Exhibit No. 47.

(Referred to at page 59.)

Substance of a Letter No. 2545, dated 13th October 1862, from the Revenue Commissioner, N. D.

1. With reference to Mr. Morgan's letter No. 238, dated 4th February 1862, relating to right over trees in *tálukás* in which the Survey Settlement has been introduced, I have the honour to inform you that I am of opinion that in deciding the claims to right over trees in surveyed *tálukás* the following rules should be adhered to.

2. It may perhaps be necessary to assume that the rules incorporated in the Joint Report about trees in the Deccan were not made applicable to the Konkan.

3. The chief aim should be to limit the State interference in rayats' *suti* lands as much as possible. To attain this Government should give up all rights over trees excepting in those cases in which it may be desirable to reserve the tree-growth for Government, all rights over trees should be disposed of by sale, and all further interference should cease.

4. Trees should be divided into the following three classes:—

1. Fruit trees—
   (*a*) The produce of which is annually received by Government either wholly or partially,
   (*b*) or the usufruct of which is received by private individuals.

In the last mentioned cases (*b*) it is unnecessary to interfere. In the case of trees of the first description, the trees should be sold to the occupant of the land for a price estimated on the average produce of the last ten years. In estimating the price, the age and state of the trees should be taken into consideration, and the price should be fixed at a lower amount if necessary. Should the occupant refuse to purchase the trees, an endorsement to that effect should be made, and the trees should be auctioned and sold to the highest bidder. If Government have right to a portion of the produce, only such right should be sold.

2. Teak and blackwood trees—
   1. Trees in the reserved numbers should be conserved under the management of the Conservator of Forests.
   2. About the trees in numbers other than reserved ones the following arrangement should be made:—
      (*a*) When the number of trees is large an endorsement should be made that the right to tree-growth has been reserved.
      (*b*) When the trees are few in number and thinly spread, they should be sold to occupants; but if they refuse to purchase them, they should be felled and sold. In either case the proceeds should be credited to the Forest Department.

3. All kinds of jungle trees—
   The jungle in the Reserved forest should be in the charge of the Conservator of Forests.
   Trees on other lands should be made over to the occupants free of charge.

5. When in future waste numbers will be given for occupation, the right over trees on them will be sold with the right of occupancy.

6. If a separate cess is levied on trees in garden lands and if the cess is fixed in consideration of the produce of the trees, they should be given to the occupants free of charge, otherwise the trees should be disposed of under the above rules.

7. When the trees are sold to occupants, the money should be recovered within a year by instalments not exceeding four. If the amount exceeds Rs. 150 the period of recovery may be extended to two years. When the trees are sold by auction the amount should be recovered immediately.

(Signature.)
Collector.

Dated 26th February 1867.

Exhibit No. 48.

(Referred to at page 60.)

Circular No 75.

FROM

THE COLLECTOR OF THA'NA;

To

AZÁM MORO ÁBÁJI SOMAN,
Mámlatdár, Táluka Bhivandi.

With reference to the *Yadi* No. 259, from the Deputy Conservator of Forests, you are requested to state whether grass and the fruit of mango trees in the Government forest in your *táluka* are annually sold by auction, and if not, the reason should be stated, and in future the same should be annually sold by auction with due regard to the interests of Government. Any mistake or neglect in this matter will be severely noticed.

(Signature.)
Collector.

Dated 23rd February 1866.

Exhibit No. 49.

(Referred to at page 60.)

Below translation of Government Resolution No. 6550, dated 3rd November 1881.

Circular No. 19.

To

RÁV SA'HEB MÁMLATDÁR OF BHIVANDI.

Reports have been received from several places that Government assessed or unassessed waste lands, which are proposed to be given out for cultivation, contain proprietary trees planted by the rayats. This cannot be admitted. The contents of the Resolution quoted above should be carefully studied and acted up. No one has any right to take produce of fruit trees for which no rent is paid to Government and which are in the land belonging to Government and not in the occupation of any person. The fruit of such trees is to be annually sold by auction and the proceeds credited to Government. This should be acted up.

(Signature.)
Collector.

Dated 14th November 1881.

Exhibit No. 50.

(Referred to at page 60

Circular No. 44.

FROM

THE COLLECTOR OF THA'NA;

To

RÁV SA'HEB MÁMLATDÁR OF BHIVANDI.

It has been brought to my notice that though the people of forest villages are allowed to bring wood for fuel for household consumption from the Protected forest of their village, the rayats of Váda and other *tálukás* are prohibited from bringing wood for fuel and *ráb*

for fields. According to the concession granted to them by Government, the people should be allowed to take firewood for household consumption as well as *ráb* for fields from the forest. This order should be communicated to all people and forest officers.

(Signature.)
Collector.

Dated 21st December 1882.

Exhibit No. 51.

(Referred to at page 60.)

Circular No. 52.

FROM
THE COLLECTOR OF THANA;

To
RÁV SÁHEB MÁMLATDÁR OF BHIVANDI..

There is no objection to allow residents of forest villages to remove without fee the following articles from the Protected forest of their village for their private use :—

Grass.
Táhál of trees other than teak and blackwood.
Fallen dead wood for fuel.
Leaves of all trees except teak and blackwood.
Bundhis.
Kárvi.
Vála or *Khaskas* (Andropogon muricatus.
Tokar.
Jhitás for fencing.
Wood for stages.
ough materials. The *mámlatdár* should allow these materials to be removed on payment of 8 annas per plough after paying due regard to the necessity and extent of cultivation.

Though the people have been allowed the privilege of taking these articles, several people believe that there is still prohibition to take these things. This should therefore be explained to the people.

(Signature.)
Collector.

Dated 30th December 1882.

Exhibit No. 52.

(Referred to at page 60.)

Circular No. 116.

FROM
THE COLLECTOR OF THANA;

To
THE MÁMLATDÁR OF BHIVANDI.

With reference to Government Resolution No. 3903, dated 22nd May 1883, you are informed that the marginally noted circular order which allowed the residents of villages to take, free of charge, forest articles for their private use from the Protected forest in their villages, has been cancelled. An endorsement to this effect should, therefore, be made on that order and the village officers and other people to whom the order might have been communicated should now be informed accordingly.

No. 52, dated 30th December 1882.

(Signature.)
Collector.

Dated 4th June 1883.

Exhibit No. 53.

(Referred to at page 61.)

No. I.

FROM

THE COLLECTOR OF THA'NA.

Be it known to all that under the new rules made by Government under Section 41 of the Forest Act, wood of every description required for household use, trade or any other purpose, whether it be purchased from *inámdár's* numbers, *málki* numbers, or even from Government, must, while in transit from one village to another, be covered by a pass to be obtained from forest officers. Wood transported without a pass shall be liable to confiscation together with the conveyance on which it is carried away, and the person so removing shall also be liable to imprisonment for six months or Rs. 500 fine under Section 42 of the Forest Act.

(Signature.)

Collector.

Dated 31st October 1882.

Forwarded to the *Mámlatdár* of Bhivandi for making this generally known.

(Signature.)

Collector.

Dated 31st October 1882.

Exhibit No. 54.

(Referred to at page 61.)

Circular No. 41.

FROM

THE COLLECTOR OF THÁNA;

TO

RÁV SÁHEB MÁMLATDÁR,

Táluka Bhivandi.

The Notification No. 1, dated 31st October 1882, issued from this office, declared that the wood removed from one village to another without a pass, would be liable to be attached. I am informed that the District Forest Officer has not made any arrangement for granting passes to the people. If, therefore, any complaints are preferred for breach of rules before such an arrangement has been made, they should not be entertained by the *mámlatdárs* without special orders from me. Wood in *málki* numbers should likewise be, as a temporary measure, allowed to be removed without passes, and the above mentioned notification should for a time be considered as cancelled. This should be made known to all the people and steps should be taken to remove all inconvenience.

(Signature.)

Collector.

Dated 13th December 1882.

Exhibit No. 55.

(Referred to at page 61.)

Notification regarding Forest.

Be it known to all :—

1. Pass is not required for removing grass, leaves, *táhál* and wood for fuel from *málki* numbers.

2. Pass is not required to transport grass, leaves, *táhál* and wood for fuel from the village forest to the village.

3. Head-loads of fuel removed from the forests of a village require no pass while in transit from one village to another in the same district.

Passes can be obtained on application from forest inspectors, *mámlatdárs, mahálkaris,* and *talátis.* If anybody is obstructed in removing any of the forest products specified above, he should make a complaint to the *mámlatdár* or *mahálkari* against the person obstructing him.

(Signature.)

Collector.

15th December 1882.

Forwarded to the Mámlatdár of Kalyán for making this generally known.

(Signature.)

Collector.

Dated 15th December 1882.

Exhibit No. 56.

(Referred to at page 66.)

Circular No. 28.

FROM

THE COLLECTOR OF THÁNA;

TO

ÁZAM SADÁSHIV KRISHNA,
Mámlatdár, Táluka Kalyán.

Clause 5 of the circular order No. 9, dated 12th August 1859, regarding the cutting of forest by rayats has been cancelled and the following has been substituted :—

The rayats are allowed to lop branches of trees other than teak and blackwood and to cut shrubs, &c., on *ráb* lands; side branches of teak and blackwood trees should not be cut except under the guidance of the peons of the Forest Department.

(Signature.)
Collector.

Dated 15th September 1859.

(*Verified by the Mámlatdár.*)

Exhibit No. 57.

(Referred to at page 66.)

The Revenue Commissioner, Northern Division, having received a letter and a proclamation from the Military Board for the prevention of the cutting of forest and the acceleration of its growth, and a copy of the same having been despatched to this (Collector's) office, with an endorsement No. 1008 of the 18th June 1847, the following proclamation is issued for the information of all persons :—

1*st.*—The British Government makes known to the people that it has taken and continues to take various measures tending to their amelioration and comforts.

2*nd.*—In proof of this, schools have been established throughout the country, and of late, orders have been issued to all Collectors and others to adopt means for keeping towns and villages in a state of cleanliness and order, and for removing accumulations of filth and stagnant water from the streets and lanes.

3*rd.*—The Government takes this trouble from a knowledge that by doing so the health of the people will be improved, and thus a benefit is conferred both on the people and on the Government, for the interest of the Government and the people is one.

4*th.*—Government has observed with much concern that the number of trees planted and allowed spontaneously to grow throughout the country is very far short of the number constantly cut down, so that many parts of the country are becoming more and more bare.

5*th.*—From this cause the scarcity of wood and of fuel increases from year to year.

6*th.*—This scarcity affects not only the immediate comforts of the people as regards building wood and fuel, but it increases the dryness of the climate, makes the rains more uncertain and scanty, and the heads of springs thus bared of trees much sooner dry up.

7*th.*—Impelled by these considerations, Government has resolved to undertake measures, and to expend money for the purpose of lessening the evils complained of, and therefore decreed—

1*st.*—That all *zamindárs* and *vantadárs* be recommended to plant useful trees of easy growth in waste corners of their own lands and in waste corners about villages; no foreign trees or trees requiring more than common care need be planted.

2*nd.*—That those who choose to plant in their own grounds, will have the trees recognized as their own property, just as the trees now growing thereon are.

3*rd.*—That villagers, jointly agreeing to plant and take care of trees planted in village commons, shall in like manner have their property in these guaranteed to the village, so that when fit for cutting they may be sold and the proceeds applied to the common purposes of the village.

4*th.*—That the heads of villages be careful to warn all persons, high and low, of the benefit to themselves and to the country generally, which will arise from their not cutting down young trees, which in time will become large timber.

5th.—It is to be distinctly understood that this last rule is not to interfere with the pursuits of those who live by gathering fuel cut from the trees and shrubs usually found in waste places.

6th.—The above rules do not authorize villagers to acquire any *vatandári* right in the land of an absentee or other waste land capable of cultivation by planting trees thereon, as in this way much injury might be done to the interests of the State by designing persons applying for lands of this description on the pretence of planting them with trees.

7th.—Government is pleased to subjoin to this notice a list of trees deemed best suited to each division of the Presidency.

8th.—That none of the above rules are to be held as in any way interfering with the orders at present in force regarding teak trees.

Trees fitted for the Konkan.—*Kalam, dín, devdár,* tamarind mango, *shivan, páral, varas, vehela, kántesákhar, bondára, khair, kokam, bábhul, jámbhul, phanas,* teak, *varoli, nándruk, bhendi.*

And any other trees which the people may know to be useful.

The above is only given as a guide to them for the trees most likely to grow.

(Signature.)
Collector.

Dated 12th July 1847.

Exhibit No. 58.

(Referred to at page 66.)

FROM

THE TALA'TI OF PA'DARPA'DA';

TO

KRISHNA'JI KA'SHINA'TH OK.

This *dákhla* (permit) is issued to you. A correspondence ensued on your application (miscellaneous inward No. 1610) requesting permission to cut a dry *málki* (proprietary) mango tree alleged to have been planted by you in the *gurcharan* land near the village site of Pádarpádá, and I have been finally ordered thereupon by the *mámlatdár,* under date 12th November 1877, to inform you that permission has been granted to you to cut the tree in question.

MA'HA'DEV BA'PUJI,
Acting Taláti.

Dated 22nd November 1877.

Exhibit No. 59.

(Referred to at page 66.)

In reply to the petition from Krishnáji Káshináth Ok and 25 others of Sonivli complaining against the inclusion of survey number 16 in Reserved forest, the Forest Settlement Officer, Thána, stated as follows:—

No. 159.

On enquiry it has been found out that you have no right whatever in this number. A right cannot be established by mere *vahivát* (user). Your claim is therefore rejected. Government might allow the *vahivát* to continue, if they thought it proper to do so, but it cannot be allowed as a matter of right. Decision to this effect has been passed on 31st May 1884. You may, if necessary, appeal against this decision to the Collector of Thána within three months from the date of decision.

J. DEC. ATKINS,
Forest Settlement Officer.

Dated 30th June 1884.

Exhibit No. 60.

(Referred to at page 78.)

To

His Excellency
The Right Honourable LORD REAY, C.I.E.,
Governor and President in Council,
Bombay

The humble petition of the undersigned inhabitants of *peta* Umbargaon, *táluka* Dahánu, Thána Collectorate.

Most Respectfully Sheweth—

That Your Excellency's humble petitioners have perused, with feelings of great satisfaction and gratitude, the Resolution of Government, No. 5977, dated 24th July 1885, in the Revenue Department, lately issued and published for general information in the *Government Gazette* of 30th July 1885, appointing a Commission to enquire into, and report upon important questions connected with certain rights and privileges exercised and enjoyed by the people in the Thána and other Konkan Districts in and over the village, public and Government forest, waste and pasture lands. In the preamble of the Resolution, Government have been pleased to express their desire that all the parties, who have grounds of complaint against the various and harassing orders hitherto issued, by which their privates vested rights and long established privileges in connection with forest matters have been encroached upon and unjustly curtailed, should lay their grievances before the Commission now instituted, in order that the same may be enquired into, and brought to the notice of Government with proper and effective remedies suggested for redress.

2. It is evident from this public announcement that Government are graciously pleased to afford adequate opportunities to the rayats, who are too poor and helpless to make their cries of distress directly heard, to represent their grievances to, and secure a thorough enquiry into, and proper consideration of the same at the hands of the newly appointed Tribunal in view of the whole subject being eventually considered and disposed of by Government consistently with the principles of equity and justice. Your Excellency's petitioners, therefore, respectfully beg to avail themselves of the opportunity so granted and to submit the following facts showing how the exercise and enjoyment of their own rights and privileges in, and over the trees growing in their *málki* numbers, *i.e.*, proprietary lands, have been restricted, without sufficient grounds, since 1882 by a ruling of Government, in the hope and with a prayer that your Excellency's Government will be pleased to direct this petition to be referred to the Commission in question for due enquiry and report after a careful consideration of the points therein mentioned.

3. The *peta* of Umbargaon is a sub-division of the *táluka* of Dahánu and yet the rights and privileges exercised and enjoyed in forest matters by the people owning or occupying lands within the jurisdiction of the *peta* are essentially different from those possessed by the land-holders of the villages included in the *táluka* of Dahánu. The *peta* was brought under the Survey Settlement in 1863-64, whereas the Survey Settlement of the *táluka* was fixed in 1866-67 and a marked distinction was made by Government between the rights and privileges granted to the inhabitants of the *peta*. (Your Excellency's petitioners) and those conceded to the people of the *subha* or *táluka* in respect of the ownership and free use of the trees growing on their holdings, on the occasion of those two distinct Survey Settlements.

4. When the Survey Settlement of the *peta* was effected in 1863-64 Government did not reserve any rights to themselves in the jungles of the *peta* but guaranteed to Your Excellency's petitioners the full ownership and unrestricted use of all the trees growing on their *málki* numbers, *i.e.*, proprietary lands and also survey numbers purchased from Government. Solemn assurances were given to Your Excellency's petitioners by the Government officers, who were charged with the duty of completing and effecting the aforesaid Survey Settlement, that their (Your petitioners') right of ownership in the above described trees was fully recognized and confirmed and would be maintained by Government and that they were at perfect liberty in future to deal with those trees in any way they chose and to fell them for agricultural, domestic and even trade purposes on their own account.

5. Such is not the case with the *táluka* villages. When the Survey Settlement was introduced in the *táluka* (*i.e.*, portion of the Dahánu *taluka* exclusive of the *peta*) in 1866-67 Government reserved certain rights to themselves in respect of the trees growing on *málki* numbers, and the owners of such numbers were granted the right to fell trees in their respective numbers (except teak, blackwood and *tivas*) *only for agricultural and building purposes*. The right to fell trees for trade was not granted to them nor was the ownership of the trees growing on their holdings guaranteed to them. There was an essential distinction made by Government, as remarked above, between the rights granted to the owners of the *málki* numbers in the *peta* and those granted to a similar class of people in the *táluka* at the time when the two distinct Survey Settlements, respectively for the *peta* and the *táluka*, were effected.

6. It will thus be seen that the scope and extent of the rights and privileges acquired by Your Excellency's humble petitioners in consequence of the Survey Settlement effected in 1863-64 specifically for the *peta* of Umbargaon cannot be determined by the standard of what was decided to be conceded at the time of Survey Settlement introduced three years after in the villages of the Dahánu *táluka*, especially as those two settlements were introduced at two different times and independently of each other. Notwithstanding this fact Your Excellency's humble petitioners extremely regret to state that, after having exercised and enjoyed those rights and privileges for a period of 18 years (commencing from 1863-64) with a full recognition of the same by Government, they were, all of a sudden, informed by the Local Government authorities that, under the authority of Government Resolution No. 1573, dated 8th March 1882, communicated under an official order from the Collector of Thána, under date the 17th March 1882, they were prohibited from exercising the unrestricted right of ownership in and over the trees in their *málki* numbers and that they would not be allowed to fell those trees for trade purposes. In fact your petitioners were given to understand that they were placed in the same category with the owners of survey numbers in the *táluka* villages and that they would in future be subjected to the same restrictions which were imposed by the Survey Settlement in 1866-67 over the use and disposal of the trees in their survey numbers by the owners thereof within the *táluka* limits.

7. The chief ground cited in the abovementioned Resolution for thus entirely ignoring in 1882 the solemn assurances given to your humble petitioners at the time of the Survey Settlement in 1863-64 appears to be that set forth in the opinion of the Legal Remembrancer to Government quoted therein. But it will, it is trusted, be obvious to Your Excellency in Council that the opinion of that officer, when considered in the light of the official orders and circulars issued from time to time by Government officers prior to 1882, recognizing and confirming in distinct terms the right of unrestricted ownership reserved to your petitioners in the trees in their *málki* numbers, will be found to be based more upon far-fetched legal technicalities and unsound reasoning than upon a correct appreciation of facts. In support of this contention Your Excellency's humble petitioners respectfully beg to submit a brief summary of the important documentary evidence which goes to disprove the theory set up by the Legal Remembrancer that it was not the intention of Government to confer on Your Excellency's petitioners the right of absolute and unrestricted ownership in the trees growing in their *málki* numbers at the time of fixing the Survey Settlement for the *peta* of Umbargaon.

8. The document (English translation of which is attached, Exhibit A) is an order from the Collector of Thána District to the *mámlatdár* of Dahánu, Inward No. 333, in which the decision of the Survey Settlement Commissioner given on a reference from the Revenue Commissioner has been communicated. In this order, dated 20th October 1868, instructions are issued to the effect that the practice now obtaining in regard to proprietary lands in the *peta* Umbargaon, (of the rayats dealing with the trees in their *málki* numbers according to their pleasure by right of ownership), having been decided upon at the time of Survey, should be continued as heretofore. The final decision of the Survey Settlement Commissioner and the order of the Collector thereon are clear enough and recognize in distinct terms Your Excellency's petitioners' right of ownership in the trees in question guaranteed to them by Government at the time of the Survey Settlement.

9. Some seven or eight years after the introduction of the Survey Settlement in the *peta* of Umbargaon Government, with a view to protect their own forests and in order that the same may be prevented from being encroached upon by private persons, ruled that holders of *málki* numbers, both in the *peta* and *subha*, should in future be required to pass a *kabuláyat* to the Collector of the Thána District and obtain a formal permission from him for the purpose of felling trees in their *málki* numbers. The form of the *kabuláyat* to be taken was prepared and forwarded for the guidance of the local authorities with instructions that in the case of the *peta* it should be adopted with such modifications in the wording thereof as might be found necessary consistently with the rights and privileges of the owners of the *málki* numbers in the *peta*. The form was accordingly so modified as to suit the requirements of the *peta*, and *kabuláyats* continued to be taken according to that form. A reference to that form (English translation of which is annexed, marked Exhibit B) will at once show that the wording which is used in the 1st and 6th clauses thereof and which is not inserted in the form of *kabuláyat* fixed for adoption in the *táluka*, viz., "and will use the whole of the timber (so felled) for domestic and *trade purposes*" and again "the whole of the timber (which I may thus obtain) shall be used by me *for trade* or domestic purposes," proves beyond doubt the fact that the owners of *málki* numbers (your petitioners) possessed the right, and the same was admitted and recognized by Government, to use the timber not only for domestic and agricultural purposes but even *for trade* on their own account. The expression "*for trade purposes*" is omitted from the *kabuláyat* required to be passed by owners of survey numbers within the strict limits of the *táluka*, and this omission evidently implies that while Government felt it their duty to prohibit the use of timber obtained from *málki* numbers by the owners thereof within the limits of the *táluka* for purposes other than those purely domestic and agricultural, no such prohibition was contemplated to be enforced in the case of holders of *málki* numbers in the *peta*, as Government were fully aware that the latter had been granted the right of ownership in the trees growing in their *málki* numbers at the time of the Survey Settlement.

10. In 1866 a general Circular No. 48 was issued by the *mahálkari* of *peta* Umbargaon to all *pátils* and *talátis* subordinate to him. In that circular the latter were directed to inform the people of the villages in their charge that, under a fresh Government circular communicated by the Collector of Thána in his Circular Order No. 91, dated 4th April 1866, the owners of *málki* numbers were not in future required to obtain the formal permission of Government for felling trees growing in those numbers, that the former circular of Government, No. 374 of 27th February 1866, under which the obtaining of such permission was made obligatory, was cancelled and that the people therefore need not apply for such permission in future. English translation of this circular order issued by the *mahálkari* is attached, marked Exhibit C.

11. In 1871, again, another Circular Order No. 85, dated 5th June 1871, was issued by the *mahálkari* of *peta* Umbargaon to the *pátils* and *talátis*. English translation of this circular is also attached (Exhibit D), from which it will be perceived that with a view to obviate any chance of mistakes in distinguishing the villages (*i. e.*, those attached to the *peta* from former times) in which the right of ownership over the trees in the *málki* numbers was reserved to the holders of those numbers, from those other villages (*i. e.*, those transferred from the *táluka* to the *peta* subsequently to the introduction of the Survey Settlement) wherein such right of ownership was not granted to the holders of *málki* numbers, the *mahálkari* forwarded to the village authorities slips of paper marking thereon the names of villages of the former description and ordered them to be stuck on the Register No. 1 of those villages. The object of this measure was evidently to keep up the recognized distinction between the rights of full ownership over the trees exercised and enjoyed by the rayats in the *peta* (Your Excellency's petitioners) and the restricted rights granted to the rayats of the *táluka*.

12. In 1874 further correspondence took place on the subject between the *mahálkari* of *peta* Umbargaon and the Collector of Thána, which unequivocally established Your Excellency's petitioners' title to the unrestricted exercise and enjoyment of the right of ownership in and over the trees growing in their *málki* numbers, recognized and specifically granted to them, unlike in the case of *táluka*, at the time of the *peta* Survey Settlement. The correspondence in question arose out of the *mahálkari* of *peta* Umbargaotn having received a Huzur Circular Order No. 71, dated 22nd January 1874, below the Revenue Commissioner's No. 4537 of 23rd September 1873, in which he (the *mahálkari*) was informed that by the fourth paragraph of Government Resolution No. 5040, dated 8th September 1873, the previous Government Resolutions on the subject were cancelled and that he should give publicity to the same at all places and see that it is acted upon. Upon the receipt of these orders the *makálkari* submitted a report to the Collector of Thána, through the *mámlatdár* of Dahánu, soliciting definite instructions as to whether the practice which has been followed *from former times* to allow holders of *málki* numbers in the villages originally attached to the *peta* from a time prior to 1863-64 *to take wood without paying any fee for trade and domestic purposes* should, in future, be continued or not, and if not, whether the practice, obtaining in the 18 villages lately transferred from the *táluka* to the *peta*, of granting permissions to the holders of *málki* numbers to cut wood from those numbeers necessary only for domestic and agricultural purposes should now newly be introduced in the strictly *peta* villages. The Collector's answer, dated 30th April 1874, in reply to this report, was to this effect :—"Circular (Order) No. 71 is not applicable to the kinds of trees with respect to which Government has not reserved its rights." In this reply there was a direct recognition by Government of the rights of ownership granted to the petitioners over the trees in their *málki* numbers and it indicated a sincere desire on the part of Government to maintain the exercise and enjoyment of those rights by the parties possessing them. An English translation of the aforesaid correspondence is attached, marked Exhibit E.

13. Further evidence in support of the fact that Government did not reserve any rights to themselves to the trees growing on *málki* numbers in the *peta* of Umbargaon, but conferred on your petitioners the absolute ownership of those trees (a right which they had enjoyed before) at the time of the Survey Settlement in 1863-64, is obtained from the *Bombay Gazetteer*, Vol. XIII (Thána), Part I.—a book which has been compiled with great care and after extensive enquiry and research. At page 32 of that volume under the heading " Forests, Dahánu," the following statement occurs :—

"Excluding the petty division of Umbargaon Government have reserved in Dahánu all rights to trees except that for field and other purposes. Survey occupants may use trees growing on their holdings other than teak, *tivas* and blackwood."

The evidence contained in this passage, which is based upon the information furnished by distinguished Revenue and Forest officers of Government, conclusively establishes Your Excellency's humble petitioners' right of unrestricted ownership to the trees growing on their *málki* numbers and directly calls in question the correctness of the view taken by the Legal Remembrancer to Government on the subject, which forms the chief basis of the orders issued in Government Resolution No. 1573, dated the 8th March 1882, by which your petitioners have been deprived of their rights in question.

14. In the opinion furnished by the Legal Remembrancer (Exhibit F) which has received the approval of Government, no direct evidence is adduced to disprove what would appear to be conclusively established by undisputed facts and proofs contained in the several official documents which are described in the preceding paragraphs and which would be

easily verified by a reference to Government records. While those documents unmistakeably show the desire and intention of Government, as expressed from time to time in the various orders and decisions given by the District and Divisional Revenue officers and Survey Settlement officers, to respect and maintain the exercise and enjoyment by your petitioners of the rights of ownership in the trees growing in their *málki* numbers, in accordance with the assurances made by Government at the time of the Survey Settlement, how could it be reasonably held, as has been gratuitously assumed by the Legal Remembrancer relying on the 3rd paragraph of the Proclamation published by the Survey Department in respect of *the táluka of Dahánu alone*, that it could not have been the intention of Government that there should be a special provision made for Umbargaon when it forms a part of the *táluka ?* That officer appears to have entirely ignored the fact that though the *peta* of Umbargaon forms a petty division of the *táluka* of Dahánu yet two distinct Survey Settlements were effected for the *peta* and *táluka* divisions respectively at two different times and quite independently of each other and an essential distinction was made between the rights granted to the owners of *málki* numbers in the *peta* and those granted to a similar class of people in the *táluka* at the time of those settlements. The Legal Remembrancer has based his opinion not upon what was actually done by Government responsible officers at the time of those settlements, which might have been easily ascertained by a reference to Survey records, but upon what he believes, in 1882, without sufficient warrant, to have been the intention of Government in 1863-64 in respect of the assurances made and guarantees given at the time of the *peta* Survey Settlement. That officer thus proceeds upon erroneous presumptions and unwarranted inferences and has built up a theory upon such data which is directly opposed to facts. And yet Government, accepting this view as sound, have unfortunately been induced into passing a Resolution (No. 1573, dated the 8th March 1882,) on the basis of that view, by which Your Excellency's humble petitioners have unjustly been deprived (since the passing of that Resolution in 1882) of their right of ownership in the trees growing on their *málki* numbers, a right which was in some cases actually purchased by them from Government when survey numbers were put up for sale by the Survey Settlement Officer in 1863-64.

15. There is also another point in the opinion given by the Legal Remembrancer on this subject, which it would not, your petitioners humbly submit, be out of place to notice before concluding. That officer states that Section 40 of the Bombay Act I. of 1865 applies to the Survey Settlement of the *peta* of Umbargaon inasmuch as the latter was completed and received the final sanction of Government on the 13th February 1865, whereas the former was published on the 21st January 1865. This is, however, Your Excellency's petitioners respectfully submit, a far fetched argument and should not, in fairness and justice, be held to be a sufficient plea for depriving parties of the rights exercised and enjoyed by them upwards of 18 years under the sanction of solemn assurances and guarantees given them by responsible and experienced officers who cannot be supposed to have been ignorant of the policy and real intentions of Government when they fixed and enforced the Survey Settlement in anticipation of Government approval and sanction. The Survey Settlement, the results of which the Legal Remembrancer has tried to misrepresent in 1882, actually came into force in the same year in which it was completed, *i. e.*, in 1863-64, and did not remain to be enforced until Government could accord its final approval to it in February 1865. The delay of nearly two years which occurred between the date of actual enforcement of the Settlement and the date of final approval was certainly the result of the usual official routine and it would not, it is respectfully submitted, be fair to argue that because no formal approval was accorded to the Settlement by Government until February 1865, therefore the latter had remained incomplete up to the above date, for, no changes were made in it when the final sanction was accorded and it would not have been introduced and the levy of the assessment enforced according to the revised rates if it had been left in an incomplete form during the two years in question pending the final approval of Government. The assumption, therefore, that the Survey Settlement of the *peta* of Umbargaon was not completed until after the publication of the Bombay Act No. 1 of 1865, is evidently incorrect and the view taken by the Legal Remembrancer that Section 40 of the Act can be held to apply to that Settlement has no solid foundation and does not consequently afford sufficient ground for justifying the ruling of Government contained in Government Resolution No. 1573, dated 8th March 1882.

16. Your Excellency in Council will thus be pleased to perceive from the facts and arguments detailed above (1) that grievous injustice has been done to Your Excellency's humble petitioners by the operation and enforcement of the orders issued by Government in their Resolution No. 1573 of 8th March 1882, (2) that the opinion of the Legal Remembrancer which has led Government to pass those orders is erroneous as it entirely ignores the distinctive features of the Survey Settlement fixed for the *peta* of Umbargaon and is based upon unwarranted inferences and perverted view of the real circumstances of the case, (3) that the official testimony, as afforded by the official documents, quoted and described above, establishes conclusively the grant and subsequent recognition, by Government, of the right of ownership exercised and enjoyed uninterruptedly for 18 years by your petitioners in and over the trees other than teak, blackwood and *tivas* growing on their *málki* numbers, and (4) that there are absolutely no grounds to justify the course which has been adopted in accordance with the opinion of the Legal Remembrancer and by which your humble petitioners have been deprived of the rights in question repeatedly admitted by

Government and proved to have been vested in them at the time of the Settlement in 1863-64 by a documentary evidence of an unimpeachable character.

17. Your Excellency's humble petitioners therefore most respectfully and humbly pray that after according a favourable consideration to the facts and arguments set forth in this petition Your Excellency in Council will be graciously pleased to order the restoration, to your petitioners, of the privilege of exercising and enjoying the rights of ownership over the trees growing in their *málki* numbers, of which they have been deprived since 1882, and in order that Your Excellency may be enabled to pass such a decision, to direct this petition to be referred to the newly appointed Forest Commission for further enquiry into, and final report on, the grievances herein submitted for favourable consideration and substantial redress.

We beg to remain, &c.,
Your Excellency's most humble Petitioners, &c.,
(Signatures.)

Exhibit No. 61.

(Referred to at page 78.)

List of papers handed over to the Forest Commission by Witness No. 38, Ardesar Dárabji of Dehari.

1. Copy of Government Resolution No. 1573, dated 8th March 1882, directing that the Dahánu rules regarding the trees in occupied lands should be made applicable to Umbargaon *peta.*

2. Copy of order, dated 20th October 1868, from the Collector of Thána, stating that in the matter of trees in occupied lands the terms of the Survey Settlement of Umbargaon should be held to apply to that *peta* division and that the Dahánu rules should be held applicable to the *táluka* portion only.

3. Extract paragraph 4 from Circular Order No. 71, dated 22nd January 1874.

4. Copy of report, dated 17th February 1874, from the *mahálkari* of Umbargaon.

5. Copy of *peta* Circular No. 48, dated 30th May 1866.

6. Copy of *peta* Circular No. 5, dated 23rd September 1871.

7. Copy of Collector's Order No. 86, dated 22nd April 1867, permitting one Dávji Bhikári, Várli, to trade in wood in his *málki* numbers.

8. Copy of forest rules forwarded for guidance to the Umbargaon *peta* by the Collector.

9. Copy of order regarding forest matters issued by Dr. Gibson in the year 1852.

10. Copy of the form of agreement to be passed by persons trading in wood cut from *málki* numbers.

11. Copy of *peta* Circular No. 85, dated 5th June 1871.

(*All these documents except Nos. 9 and 10 are verified by the mahálkari.*)

Exhibit No. 62.

(Referred to at page 80.)

In reply to the petition, dated 15th October 1883, from Mánekji Rustomji of Nárgol asking permission to cut certain trees in his *málki* number at Bormál for erecting cattle-sheds and for repairing the houses of his tenants, the *mahálkari* of Umbargaon stated as follows:—

No. 386 of 1883-84.

I am directed by the Assistant Collector in charge to inform you that wood cannot be granted to you as you do not cultivate the land in person.

KHANDERA'V MORESHVAR,
Avalkárkún.

Dated 15th May 1884.

(*Verified by the mahálkari.*)

On 20th May 1884 the petitioner made another petition to the Assistant Collector in charge, stating that he did actually cultivate in person some portion of his land, and that the wood was required for building and repairing the huts of his tenants and farm servants and his own cattle-sheds. He further added that the wood was wanted for *boná fide* agricultural purposes and not for trade, and that if the permission were withheld, his agricultural operations would be interfered with. He also requested that in case he was refused the permission he should be informed of the reasons of the refusal.

The petitioner applied to the Collector on 7th August 1885. On the 30th January 1886 the petitioner received the following permit issued on 15th idem:—

Permit for cutting or removing Trees in Occupied Lands.

Name of Cultivator.	Village.	Survey Number.	Timber.		Wood for Fuel, *Ta'ha'l*, &c.		Purpose for which cut or removed.	Period allowed.	Village to which the Wood is to be carried.	Signature of the Officer granting the permission.
			Number of Trees.	Value.	Number of Carts.	Names of Articles.				
				Rs.						
Mánekji Rustomji, Pársi.	Bormál.	2, 13, 23, 75, 80, 85, 99, 102, 108, 110, 111, 93, 60, 103, 107, 108, 13, 87, 101, 50, 109, 104, 42, 43, 49, 59, 58, 70, 71, 72. 64, 65, 63, 62, 60, 61, 73.	150 *ain* rafters, 40 bifurcated posts of *kâti*.	40	...	...	For building a house.	Till the end of January 1886.	Bormál.	15th January 1886. Signature (First Assistant Collector).

Forwarded to the applicant Mánekji Rustomji, Pársi, inhabitant of Nárgol.

(*Verified by the mahálkari.*) (Signature.)
Mahálkari.

27th January 1886.

On receipt of the permit on the 30th January 1886, the petitioner made the following statement on the 4th February 1886, before the *mahálkari* of Umbargaon.

I, Mánekji Rustomji, Pársi, inhabitant of Nárgol, *peta* Umbargaon, state that on my having made an application to the Collector to grant me permission to cut wood from my *málki* numbers in the village of Bormál, for building purposes, I received the permit on 30th January 1886 by post; but as the period prescribed in the permit expired on 31st January 1886, I had only one day left to cut and remove the wood, which was impossible. From the date of receipt of the permit one month's time is at least necessary. I therefore return this permit and request that the period of permit may be extended to the end of June 1886.

MA'NEKJI RUSTOMJI.

Exhibit No. 63.

(Referred to at page 80.)

No. 452 of 1885.

From

The MAHA'LKARI of UMBARGAON;

To

MA'NEKJI RUSTOMJI Pa'rsi, of Nárgol.

A correspondence ensued on the application which you had made to the *Prânt Huzur* to remove firewood from your *málki* numbers. I am directed by the *Prânt* officer to inform you that you cannot be allowed to remove the wood as you do not cultivate the land either in person or by your servants.

GANESH LAKSHMAN,
Mahálkari.

Dated 31st May 1885.

Exhibit No. 64.

(Referred to at page 80.)

Miscellaneous Outward No 536.

Reply.

FROM

THE MAHA'LKARI OF UMBARGAON;

To

THE APPLICANT JIVANJI BARJORJI,

Pársi, residing at Deheri.

You made a petition to the *Pránt* officer on 28th May 1885 praying that you might be allowed to cut wood for building purposes from your *málki* numbers at Jhari; some correspondence having been ensued thereon, it is ordered in the *Pránt* order that you should be informed that as you have failed to cut the wood within the prescribed time, the permission has been cancelled; that the period granted in the permission will not be extended; and that you should apply for a fresh permission whenever you will be in need of it.

(Signature.)

Mahálkari.

Dated 15th February 1886.

(Verified by the mahálkari.)

Exhibit No. 65.

(Referred to at page 80.)

In his order to the *taláti* of Pimpalgaon *saza* on a petition from Jivanji Hormusji Vakil of Dahánu, *zilla* Thána, dated 26th November 1883, to the address of the First Assistant Collector of Thána, requesting permission to cut firewood and wood for building purposes from his and his son's *varkas* land allotted for *kharif* cultivation at Chároti in the Asheri *pargana* the Mámlatdár of Dahánu stated as follows:—

The petitioner should be informed that as he does not cultivate his land in person, he is not entitled to get wood and you should report your having done so.

YASHVANT DATTA'TRAYA,

Mámlatdár.

Dated 16th May 1884.

(Verified by the mahálkari.)

Exhibit No. 66.

(Referred to at page 80.)

(Translated from Maráthi).

The permission *(Dákhla)* given to Gopál Hari Maráthe residing at the village of Umbargaon in the *peta* the same in the *táluka* of Dahánu is as follows:—You made a petition in the matter of your cutting for the purposes of trade the trees standing in your proprietary numbers situate in the village of Vevji. Correspondence being had upon it a final order has been passed to the effect that on obtaining an agreement in writing the permission should be given. Accordingly two agreements, one dated the 9th of October 1880 and the other dated the 15th of May 1880, thus two agreements fixing the 31st of May 1880 as the period within which the last batch of timber shall be cut and removed, have been obtained from you. And thereunder you are granted permission to fell timber as mentioned below:—

200 *Ain* rafters scores ten 10.

10 *Jhitás* for making hedges, cart-loads ten.

1 One piece of wood of —

500 Firewood of *khair*, &c., five hundred cart-loads.

150 Firewood of *ain*, one hundred and fifty cart-loads.

50 Firewood, fifty cart-loads.

15 Pieces of for making hedges fifteen.

In this manner you have been granted permission to cut timber as mentioned above. Be this known.—*The 4th of June 1884.*

BHA'SKAR BALVANT KARNIK,

Taláti.

Translated by

K. ANANDRA'V.

Exhibit No. 67.

(Referred to at page 80.)

(Translated from Maráthi.)

Reply.

To

THE APPLICANT MA'NEKJI RUSTOMJI, PA'RSI, RESIDING AT THE VILLAGE OF NA'RGOL IN THE *PETA* OF UMBARGAON.

From the *mahálkari* of the *peta* of Umbargaon is given as follows :—

You had made a petition, dated the 18th of November 1879, to the effect that permission should be given you to cut timber from the proprietary numbers in the village of Amgáv for erecting a house. Thereupon a report having been made to His Honor the Collector of the District of Thána an order, dated the 28th of July 1880, written below the report has been received to the effect that you being a well-to-do man you cannot be allowed to cut timber gratis; that you should be informed accordingly and a report made. Accordingly you are hereby informed of the same. Be this known.—*Dated the 25th of August 1880.*

GANESH PA'NDURANG,
Mahálkari.

Translated by
K. ANA'NDRA'V.

20-5-83.

Exhibit No. 68.

(Referred to at page 80.)

(Translated from Maráthi.)

Dahánu Forest Inward No. 14 of 1881-82.

To the august presence. The humble petition of Bhikáji Frámji Pátel, residing at Nárgol in the *peta* of Umbargaon in the *táluka* of Dahánu, is as follows :—In the village of Kelande there is a *shindád* which belongs to me by proprietary right and which is in my occupation. I want to fell from it all kinds of timber other than blackwood, teak and *tivas* trees for the purpose of trade. I have engaged workmen to fell them. But the village officers and the *taláti* prevent and prohibit me from felling the timber. I asked them for a written prohibitory order, but they do not give me one. I therefore make this application to your presence—and pray that your honor may be pleased to issue an order to the effect that the obstruction which the *taláti* unnecessarily causes to my felling timber from the *shindád* which belongs to me by proprietary right should be ceased and that the Forest officers, &c., should not obstruct me in felling timber without hindrance. The following persons can bear me out as regards the obstruction caused :—

1 Jetha Motirám Márvádi, residing at Dahánu.

1 Dharmatya Dharma Márvádi, residing at Kelande.

1 Nána Mulji Koity.

1 Ranchod Nána Bhagat, residing at A'gar.

1 Sangomul Satulachand, residing at Dahánu.

These are the witnesses. I pray that on taking their evidence your honor will be pleased to make an order as prayed for above. This is the representation to your honor.

BHIKA'JI FRA'MJI.

Dated the 29th October 1881.

Reply to the Petitioner.

An order B. Outward No. 205, dated June 1881, has been received from the *zilla* wherein it is stated that people should be given to understand that they should not fell timber for purposes of trade and that if they do so the timber felled shall be placed under the attachment and they shall be liable to punishment. Therefore if you choose you may apply to the *zilla.*

Dated the 29th of October 1881.

VINA'YAKRA'V B.,
Mámlatdár.

Translated by me,
K. ANANDRA'V,
Translator.

Exhibit No. 69.

(Referred to at page 80.)

(Translated from Maráthi.)

Thána Collector, Dahánu.
B. Inward No. 442 of 1881-82.

To

THE COLLECTOR OF THE DISTRICT OF THA'NA.

The petition of Bhikáji Frámji, Pársi, residing in Máuja Nárgol in the *peta* of Umbargaon in the *táluka* of Dáhánu in the District of Thána, is as follows :—

Salutations: In the village of Khenade in *peta* Umbargaon in the *táluka* of Dahánu I own [certain] *kharíf varkas* land (*i.e.*, ground shallow or of scanty depth in mould), which I acquired together with the right of ownership over the same. While I was cutting timber wood with the exception of teak and blackwood trees standing in that land for my use, the village officers obstructed me. I thereupon made a petition to the *mámlatdár* in that respect on the 29th of October 1881. Upon that petition the *mámlatdár* endorsed an order Dahánu J. Inward No. 14 of 1881-82, dated the 29th of October 1881, stating that unless I obtained permission from the Collector [? exempting me] from his order, no permission would be granted to me to cut trees. A copy of the aforesaid order is placed with this petition which I submit to your Honor's feet.

The aforesaid village of Khenade lies within the local jurisdiction of the *peta*; and all people cut jungle and thereby earn their livelihood according to the rules made at the time of Survey. I therefore pray that your Honor may be kind enough to grant me permission to cut wood.

Since I am prohibited to cut the trees standing in the aforesaid field, the produce of my field is unnecessarily rendered useless to me. Because I reared and took care of the trees in the field, and in doing so, I expended large amount of money. Therefore, I am entitled to cut the jungle to which I have the right of ownership and enjoyment. I therefore hope that your Honor will be pleased to make an order upon this petition directing that no one shall cause me any obstruction in cutting [the jungle as aforesaid]; and if it be not convenient to make an order as prayed for, you may be pleased to make such other order as your Honor may deem proper. I have sent herewith two postage stamps worth 0-0-6 each. Thus is the petition.—*The 1st of April 1882.*

BHIKA'JI FRA'MJI PARSI.

Reply to this.

Under Resolution of Government you have no right to trees standing in numbers entered against the names of individuals. If you cut trees without obtaining permission steps will be taken against you according to law.—*The 25th April 1882.*

Half anna stamp is placed with the petition.

Signature of the Collector in English.

AMRITRA'O VAMNA'JI,
Chitnis.

Translated by
DURGA'PPA KRISHNA'YA.
20-3-83.

Exhibit No. 70.

(Referred to at page 80.)

(Translated from Maráthi.)

FROM

THE MAHÁLKARI OF THE *PETA* OF UMBARGAON;

To

JIVAN HA'RJI KA'RBHA'RI, RESIDING AT NA'RGOL.

This is to inform as follows :—You applied to the *peta* for permission to fell *injáili* and tamarind trees for the purpose of making a *chouk*. Correspondence being held upon it, a

zilla order has finally been received, issued under the orders of Government to the effect that the number-holders have no right to the trees standing on their numbers, that the Government is entitled to them, that permission cannot be granted to you to cut the trees referred to by you, and that you should be informed accordingly. Be this known to you.—*Dated the 11th of August 1882.*

MA'DHAVRA'O GOVIND RANDIVE,
Mahálkari.

Peta Umbargaon.
No. 8 of 1882-83.
Umbargaon.
Inward No. 8.
To

THE TALA'TI OF NA'RGOL.

Nárgol A. No. 8.

Keep a copy of this in your record and personally inform the applicant of the above.—Dated as aforementioned.

Translated by
K. ANANDRA'V.
20-7-84.

Exhibit No. 71.

(Referred to at page 80.)
(Translated from Maráthi.)

FROM

THE MAHÁLKARI OF THE *PETA* OF UMBARGAON;

To

THE APPLICANT MOTI NA'RA'YAN THA'KUR, RESIDING AT UMBARGAON.

This is to inform as follows:—You made an application to the District *huzúr* for permission to cut some stumps of *injáili* trees and some *moha* and *tembhurni* trees for the purpose of bringing the ground occupied by them under cultivation and also stated that you intended to use the trees for household consumption. Proceedings having been held upon your petition, a final order, dated the 31st of October 1882, has been passed to this effect. The land has been very lightly assessed. The applicant wishes to cut the trees on the land and to make it fit for cultivation with a view to increase the produce of the land. But there is no reason why he should be allowed to do so to the detriment of the jungle, nor does it appear that so much wood is necessary for domestic consumption. Therefore no order can be issued granting him permission. No trees whatever should be cut without permission. This is the order passed. Be this known to you.—*Dated the 21st of November 1882.*

The *taláti* of the village aforesaid should keep a copy of this order in his record and personally give information of it to the applicant.—Dated as above.

MA'DHAVRA'V GOVIND,
Mahálkari.

Translated by me,
K. ANANDRA'V,
Translator.

Exhibit No. 72.

(Referred to at page 80.)
(Translated from Maráthi.)

FROM

THE MAHA'LKARI OF THE *PETA* OF UMBARGAON;

To

GOPA'L HA'RI MARA'THE, RESIDENT AT UMBARGAON.

This is to inform as follows:—You made an application praying for permission to cut from the lands registered in your name in the village of Revji, *ain*, *khair* and *medhi* trees for constructing cow-sheds and for firewood for household consumption; proceedings having

been held, a final order, dated the 3rd October 1882, has been passed by the District *Huzúr* to the effect that you are allowed to cut five cart-loads of *injáili* dry wood for household consumption but that you should not cut the trees from their roots. A printed pass has been sent along with this. You are to cut the wood within the time mentioned therein. You are not to cut wood after the expiration of the period allowed. You should return the pass to this office as soon as the period is over. As for other wood an order has been passed to the effect that as you are not willing to pay for it you should be informed that nothing more can be done in that respect. Be this known to you.—*Dated the 23rd of November 1882.* Pass is enclosed herein.

MA'DHAVRA'O GOVIND,
Mahálkari.

Translated by me,
K. ANANDRA'V,
Translator.

Exhibit No. 73.

(Referred to at page 80.)

(Translated from Maráthi.

FROM

THE MAHA'LKARI OF THE *PETA* OF UMBARGAON;

To

THE APPLICANT BHIKA'JI FRA'MJI PA'TIL, RESIDENT AT NÁRGOL.

This is to inform as follows:—You made a petition to the *Huzúr* applying for permission to cut and remove 50 cart-loads of firewood from the lands registered in your name in the villages of Kanad, Tulsuri; proceedings having been held thereupon a final *zilla* order dated the 31st of October 1882, has been passed to the effect that under the new arrangement all persons are supplied firewood for domestic use from the Government depôts, that people can take away the fallen twigs from the jungles in their respective villages and that other person cannot be allowed firewood gratis. Be this known to you.—*Dated the 3rd of December 1882.*

MA'DHAVRA'O GOVIND,
Mahálkari.

Translated by me,
K. ANANDRA'V,
Translator.

Exhibit No. 74.

(Referred to at page 81.)

(*Vide* Exhibit No. 29.)

Exhibit No. 75.

(Referred to at page 86.)

Miscellaneous No. 437.

FROM

THE MÁMLATDÁR OF DAHA'NU;

To

BHA'SKAR GOPA'L PHADKE,
Vakil, Court Dahánu.

You made an application, under date 13th May 1868, for a certified copy of the memorandum containing the terms of the Survey Settlement introduced last year and forwarded therewith a stamp paper for the purpose. Your application was registered at No. 752 of miscellaneous inward register and a report was submitted to the Survey Commissioner for orders as to whether copies of the memorandum were to be granted to the rayats holding lands. Major Francis, Survey Commissioner, has ordered thereupon that copy of the memorandum should not be granted until further orders as the Revenue Commissioner entertained some doubts with regard to forests. The copy applied for cannot therefore be granted to you. The stamp paper received with your application is herewith returned.

TRIMBAK SADA'SHIV,
Mámlatdár.

Dated 25th May 1868.

Exhibit No. 76.

(Referred to at page 86.)

In reply to the petition, dated 21st September 1881, from one Ditya Kánha Bhandári asking for a copy of a judgment passed on 2nd October 1880 in the case in which he was criminally prosecuted and punished for cutting *shindád* in his fields standing in the name of one Keshav Jhina Bhandári, Mr. Vináyakráv Bháskarji, 3rd class Magistrate of Dahánu, stated in his No. 137 of 1881 as follows:—

Reply to the petitioner.

The copy in question cannot be granted to you as the Disctrict Magistrate has stated in his No. 190, dated 30th September 1881, that there is no provision either in the Act or in the High Court circular orders to the effect that such copies should be given to the accused.

VINA'YAKRA'V BHA'SKARJI,
3rd Class Magistrate.

Dated 6th October 1881.

(*Verified by the Mámlatdár*).

Seven other orders put in by the witness are similarly worded.

Exhibit No. 77.

(Referred to at page 86)

Gholvad No. 29.

FROM

THE TALA'TI OF *SAZA* CHIKHLE;

TO

MOROBA BALVANTRA'V, RESIDING AT GHOLVAD.

You have cut ten mongo trees and five tamarind trees, in all 15 trees, from the Government waste land, Survey Number 186, at Gholvad. With reference to the recovery of Rs. 10-10-0 in respect of the price thereof a report from the *táluka* (was made), the same being forwarded from the *huzúr* Outward No. $\frac{738}{1880\text{-}81}$, was received at Dahánu, under *Pránt* Bassein Dahánu Inward No. $\frac{1}{1881\text{-}82}$, and forwarded to the Thána Collector, and thence was received at (the *táluka*) Dahánu under Inward No. 137. Whereupon the *mámlatdár's* final order, dated 5th March 1882, is as follows:—

That the amount should be recovered, but if (the party) should not pay it, his moveable property equal (in value) to the balance (the amount due by him) should be attached, and a memorandum of the proceedings should be sent. Therefore I (write to) inform you to send the said amount (*viz.*) Rs. 10-10-0 forthwith. May this be known.

MAHA'DA'JI KESHAV,
Taláti.

Dated 1st June 1882.

Thána Despatch No. B $\frac{221}{81\text{-}82}$.

Two (Rupees) Stamp.

I Moroba Balvantráv Musale, residing at Gholvad, *táluka* Dahánu, *zilla* Thána, present my compliments and make an application as follows:—

I have cut the fruit yielding trees appertaining to my ownership at Gholvad, *táluka* Dahánu, for the purpose of (building) a dwelling house for my own use. With reference thereto I made an application to Ráv Sáheb the *mámlatdár* of *táluka* Dahánu on the 8th day of December in the year 1880, whereupon the matter was proceeded with and a decision (was made) by the Collector of Thána that Rs. 10 being the amount of the price in respect of those trees should be recovered from me, and a final order, dated 25th November 1881, was received. In accordance therewith the *mámlatdár* of Dahánu has received the same from me by pressure. I state the particulars to your honour with a view to get the said decision annulled and obtain the refund of the money recovered (from me). The clauses thereof are as follows:—

1. The trees that I have cut appertained to my ownership and were in my possession, and I used to receive the income derived from the same. But foregoing that income I have cut them as they were necessarily required for the building of the house. Government has no right, title or interest whatever in the said wood or trees. That these trees belong to my ownership is proved in the proceedings. But contrary to that the Collector ruled and decided that the same trees were the property of Government and made an order for the levy of fee, that is, for the recovery of the price thereof. That order is wrong and unjust. If your honour should be pleased to send for the proceedings and look at them, you could be convinced.

2. At the time of the Survey Settlement, it was decided that other jungle wood except teak, blackwood, and sandalwood in *málki* numbers in all the villages within the

peta limits might be cut by the owners of the *málki* numbers, and used for the purposes of trade, &c., as they chose. Notwithstanding that the Collector does not allow us the use of the brushwood in our *málki* numbers in such villages. This is tantamount to exercising great oppression upon us. Therefore we say that we the owners of *málki* numbers within the *peta* limits have a right to cut the trees as mentioned above and to use them in any way we like, and we pray that an order may be passed such that the Collector may not obstruct us in our just rights.

3. Even though the owners of *málki* numbers are entitled, under the Survey Settlement, to use the abovementioned wood for house building purposes from out of the *málki* numbers in the villages within the *subha* limits in the Dahánu *táluka*, the Collector at present does not grant us permission to cut such wood for house building purposes and even for the purposes of agriculture. In regard to that, as mentioned above, we also pray that we may obtain an order such that the Collector may not place any restrictions upon the liberties to which we poor rayats are entitled.

4. Formerly I had made an application to obtain permission to cut the teak trees out of the *málki* numbers for house building purposes on payment of the price thereof, but as such permission was not obtained, I have cut my *mirási* fruit producing trees and have been using the same on the building of the house. The decision to recover the price in respect of the said trees should be annulled, and as to the rights that we possess as mentioned above in the second and third clauses the Collector prohibits us to exercise the said rights, and we pray that an order may be passed such that he may not do the same.

5. The said application was made to your honour on the 31st day of March 1882. But the same was returned on the 4th day of April in the year aforesaid as it was not accompanied by a copy of the Collector's decision under Section 208 of the Revenue Code, therefore the said decision is now sent herewith.

MOROBA BALVANTRA'V.

Dated 15th July 1882.

A reply to the applicant from the accompanying explanation it appears that the said trees belong to the Government waste number land. Therefore no other orders except the order made by the *zilla* authorities can be made. Let that be known.

(Signature)
Commissioner, N. D.

Dated 20th July 1882.

Exhibit No. 78.

(Referred to at page 88.)

Memorandum showing the conditions of auction sale for 1852-53, announced on the 30th of September 1852, in the office of Dr. Scott, Conservator of Forests, at Hivre, of the monopoly to levy fees on carts taking jungle wood from the territories belonging to the Government of the Company, i.e., Sanján táluka, Thána District, to the trading places on the coast.

1. The said monopoly is to be given for one year, beginning from the 1st of October 1852 and ending on the 30th September 1853.

2. The following fees shall be levied on carts employed in removing wood :—

1. If the carts begin to run in November or December, Rs 2 per cart for the whole year (season).

2. If the carts begin to run from January, Rs. 1-8-0 per cart for the whole year (season).

3. If the carts begin to run from and after February, Re. 1 per cart for the whole year (season).

3. If the carts remove wood from *inám* villages or foreign territories and Native States, no fee is to be levied, provided they are covered with passes which must be respected by the Contractor.

4. The exemptions in favour of rayats are—

1. No fees should be charged on head-loads of *tokars, daske* (short rafters of *injáili* wood), *mundhe* (thick short rafters of *injáili* wood), and *latinge* (logs of *injáili* or teak wood) brought to the bunders for sale.

2. Except the wood for the purpose of trade, which is liable to duty as mentioned above, no fee is to be charged on firewood on any other article of home consumption, &c., used in the district. But as regards the wood required for house building previous permission of the *mámlatdár* or *mahálkari* should be obtained.

3. If for convenience of trade a cart were to ply in more than one *táluka*, only one fee should be charged ; but if the rate of fee in any *táluka* in which a parti-

cular cart may have paid its fee, be lower than the rate of the *táluka* in which that cart may happen to ply subsequently, the difference between the two rates should be levied.

5. The amount contracted for shall be paid in seven monthly instalments from December 1852 to June 1853.

6. The person who shall undertake the contract shall bid knowing that he shall have to pay the amount in Company's currency. And for his good conduct and for the recovery of money due by him he must give a satisfactory security, who ought to be a resident of this district, within ten days from the date of the order confirming the contract. And immediately on obtaining the order he must pay earnest money at the rate of 5 per cent. The amount will be given credit for at the first instalment. Should he not pay the earnest money and should he not give security, he would be imprisoned under Act II of 1832; and an auction sale of the contract would be immediately held again, and should it result in loss, the same shall be caused to be made good. But if there should be a profit, it shall then belong to Government. The contractor shall have no claim thereto.

7. The money is to be recovered in accordance with the agreement stated above. Nothing more is to be taken from anybody. If he is detected in levying fees other than those mentioned in the agreement, he shall be punished according to law.

8. The work of the contract is to be carried on in accordance with the rules and orders that may be made in this matter. If any objections be raised, they shall not be listened to.

9. When Government officers demand the account papers relating to the contract for inspection, the same should be shown to them. And six monthly accounts, including the income and the expenditure, shall have to be rendered. But during this interval if they ask for accounts, monthly or quarterly, &c., they are to be produced.

10. Any order which Government may find it expedient to issue in connection with the contract must be obeyed. The plea that it involves loss shall not be listened to.

11. Money dealings in respect of the fees should be carried on in Company's coin. Native coins should not be used. And a receipt at the contractor's expense should be given to the person from whom fee for carts would be received. No paper, &c., is to be demanded from him.

12. The men required to carry on the work of the contract should be engaged and a list of such persons should be submitted. And if any of such men is dismissed and another engaged in his stead, or a new one engaged, information about such changes should be submitted at once.

13. If an offence is committed by men in the service of the contractor, it shall be regarded as having been committed by the contractor himself and shall be punishable as such.

14. The payment of the instalments should be made on the 15th of every month: if a longer time lapses without payment, interest for that time or fine shall have to be paid; or any other order that may be made shall have to be obeyed.

15. The contractor should engage as many *kárkuns* and peons as may be necessary for the proper management of the contract. He should not delay in the least in issuing permits in respect of carts to any persons. The contractor should bear the cost incurred in connection with it.

16. That cart that will obtain a stamp according to the order of Government on payment of fees in respect of the same shall only be allowed to ply in these territories. But besides that if a traffic cart not having paid its fee should bring wood belonging to this place or carry it when cut, the same might be allowed at the first trip, but at the second trip the contractor is to produce such a cart including the wood and the bullocks appertaining thereto. Such a cart being found is not to be directly stamped on receipt of the fee.

17. The carts should be stamped and fees should be levied at the bunder and not at any other place. At no place except the bunder should *kárkuns* and peons be kept.

18. As many *nákás* as may be required for the proper management of this contract should be established on the limits of foreign territories. The practice of stamping carts and of levying fees is to be kept up. Also men required for supervision in the jungle should be engaged. But the carts should not be unnecessarily obstructed.

19. The fee on carts is leviable at the bunder where they ply. If wood be cut in this *táluka* and taken to the bunders of another *táluka*, the contractor has no claim to levy fee for it. The fee on carts plying at this bunder alone should be levied by him. If fee is levied at any of the bunders in the *táluka* there is no further fee leviable on carts plying at any of the other bunders. The same are to be allowed to pass on seeing the permits.

20. In the current year Kolvan *táluka* has become free for the purpose of trade. The contractor at the bunder at which carts loaded with wood may come from that place, shall levy the fee on those carts.

21. The contractor should not levy any fee on carts carrying teak wood and black-wood. This wood should be allowed to pass on seeing the permit. But if there be no permit, information must immediately be given so that the necessary steps may be taken.

22. If a cart be broken or a permit lost, a fresh permit is to be given, and if the materials of the cart be renewed, the same are to be inspected and stamped again. But no fee is to be charged for it. The piece of timber bearing the stamp should be sent to Government. The contractor should not keep it. There is no objection if the person in whose name a cart or carts may have been entered, does not come on some account or other and some other person belonging to his family comes. Only a cart must be stamped one.

23. If the articles such as *dhâyati* flowers, *ain* and *shemti* bark and charcoal are brought to the bunder for trade, the rule as to levying fees on carts is applicable to them.

24. Should Government make any additions or omissions in the articles of agreement stated above, the contractor must agree to them. No objection would be listened to.

I have understood the same and have taken up the contract.

Dated 1st October 1852.

Exhibit No. 79.

(Referred to at page 88.)

Memorandum showing the conditions of auction sale for 1856-57 of the monopoly to levy fees on carts taking jungle wood from the territories belonging to the Government of the Company, i.e., Sanjân tâluka, zilla Thâna, to the trading places on the coast. These were notified in the tâluka office on 4th September 1856 under the Conservator of Forests' order No. 44, dated 12th August 1856.

1. The contract will be for one year, beginning from 1st October 1856 and ending on 30th September 1857.

2. The following fees shall be levied on carts employed in removing wood :—

1. If the carts begin to run in November or December, Rs. 2 per cart for the whole year (season).

2. If the carts begin to run from January, Rs. 1-8-0 per cart for the whole year (season).

3. If the carts begin to run from and after February, Re. 1 per cart for the whole year (season).

3. If the carts remove wood from the *inâm* villages or Foreign territories and Native States, no fee is to be levied, provided they are covered with passes, which must be respected by the contractor. The form of passes to be issued by the Dharampur and Javhâr States is described below in paragraph 26. Government also reserve to themselves the power of altering this form if found necessary.

4. The exemptions in favour of the rayats are—

1. No fee should be charged on head-loads *tokar, daske,* (short rafters of *injâili* wood), *mundhe,* (thick short rafters of *injâili* wood), *latinge,* (logs of *injâili* or teak wood), brought to the bunders for sale.

2. Except the wood for trade purposes which is liable to duty as mentioned above, no fee is to be charged on firewood or any other article of home consumption used in the district. But as regards the wood required for house building previous permission of the *mâmlatdâr* or the *mahâlkari* should be obtained.

3. If for convenience of trade a cart were to ply in more than one *tâluka,* only one fee should be charged; but if the rate of fee in any *tâluka* in which a particular cart may have paid its fee be lower than the rate of the *tâluka* in which that cart may happen to ply subsequently the difference between the two rates should be levied.

5. The amount contracted for shall be paid in seven monthly instalments from December 1856 to June 1857.

6. The person who shall undertake the contract shall bid knowing that he shall have to pay the amount in Company's currency. And for his good conduct and for the recovery of money due by him he must give a satisfactory security, who ought to be a resident of this district, within ten days from the date of the order confirming the contract. And immediately on obtaining the order he must pay earnest money at the rate of 5 per cent. The amount will be given credit for at the first instalment. Should he not pay the earnest money and should he not give security, he would be imprisoned, under Act II of 1832, and an auction sale of the contract would be immediately held again, and should it result in loss, the same shall be caused to be made good. But if there should be a profit, it shall then belong to Government. The contractor shall have no claim thereto.

7. The money is to be recovered in accordance with the agreement stated above. Nothing more is to be taken from anybody. If he is detected in levying fees other than those mentioned in the agreement, he shall be punished according to law.

8. Those who wish to bid for the contract should either bid at the auction sale in the *subha* office or submit their applications to appear before Dr. Gibson, Conservator of Forests, at Hivre, on or before 20th September 1856. The Conservator will finally decide as to who should have the contract.

9. The work of the contract is to be carried on in accordance with the rules and orders that may be made in this matter. If any objections be raised, they shall not be listened to.

10. When Government officers demand the account papers relating to the contract for inspection, the same should be shown to them. And six-monthly accounts, including the income and the expenditure, shall have to be rendered. But during this interval if they ask for accounts, monthly or quarterly, &c., they are to be produced.

11. Any order Government may find it expedient to make in connection with the contract must be obeyed. The plea that it involves loss shall not be listened to.

12. Money dealings in respect of the fees should be carried on in Company's coin. Native coin should not be used. And a receipt at the contractor's expense should be given to the person from whom fee for carts would be received. No paper, &c., is to be demanded from him.

13. The men required to carry on the work of the contract should be engaged and a list of such persons should be submitted. And if any of such men is dismissed and another engaged in his stead or a new one engaged, information about such changes should be submitted at once.

14. If an offence is committed by men in the service of the contractor, it shall be regarded as having been committed by the contractor himself and shall be punishable as such.

15. The amount of instalment is to be paid punctually on the 15th of every month, in case of default interest at one per cent., together with the legal cost of recovery, shall have to be paid in addition.

16. The contractor should engage as many *kárkuns* and peons as may be necessary for the proper management of the contract. He should not delay in the least in issuing permits in respect of carts to any persons. The contractor must bear the cost incurred in connection with it.

17. That cart that will obtain a stamp according to the order of Government on payment of fees in respect of the same shall only be allowed to ply in these territories. But besides that if a traffic cart not having paid its fee should bring wood belonging to this place or carry it when cut the same might be allowed at the first trip, but at the second trip the contractor is to produce such a cart including the wood and the bullocks appertaining thereto. Such a cart being found is not be to directly stamped on receipt of the fee.

18. The carts should be stamped and fees should be levied at the bunder, and not at any other place. In no place except the bunder should *kárkuns* and peons be kept.

19. As many *nákás* as may be required for the proper management of this contract should be established on the limits of foreign territories. The practice of stamping carts and of levying fees is to be kept up. Also men required for supervision in the jungle should be engaged. But the carts should not be unnecessarily obstructed.

20. The fee on carts is leviable at the bunder where they ply. If wood be cut in this *táluka* and taken to the bunders of another *táluka*, this contractor has no claim to levy fee for it. The fee on carts plying at this bunder alone should be levied by him. If fee is levied at any of the bunders in the *táluka*, there is no further fee leviable on carts plying at any of the other bunders. The same are to be allowed to pass on seeing the certificates.

21. In the current year Kolvan *táluka* has become free for the purpose of trade. The contractor at the bunder at which carts loaded with wood may come from that place, shall levy the fee on those carts.

22. The contractor should not levy any fee on carts carrying teak wood and blackwood. This wood should be allowed to pass on seeing the permits. But if there be no permit, information must immediately be given so that the necessary steps may be taken.

23. If a cart be broken or a permit lost, a fresh permit should be given; and if the materials of the cart be renewed, the same are to be inspected and stamped again; but no fee is to be charged for it. The piece of timber bearing the stamp should be sent to Government. The contractor should not keep it. There is no objection if the person in whose name a cart or carts may have been entered does not come on some account or other and some other person belonging to his family comes. Only a cart must be stamped one.

24. If the articles such as *dháyati* flowers, *ain* and *shemti* bark and charcoal are brought to the bunder for trade, the rule as to levying fees on carts is applicable to them.

25. The contractor shall not charge any fee for wood brought for sale at the bunder during the current year if duty has already been paid on account of the same during the previous year and if it is covered with a pass from that year's contractor.

26. A copy of the form of passes which should accompany wood removed from the Javhár and Dharampur States has been received from Dr. Gibson. It will be shown to the contractor and his signature obtained thereon in token of his having examined it. The contractor shall allow all wood covered by such passes from the Javhár and Dharampur States to go free of charge. If such wood be not covered by passes according to the prescribed form or if there be discrepancies as to the description of wood, number of logs, the names of the villages from which the material is said to have been removed, the contractor should levy fees as follows:—

12	As.	for each cart of	*hed, kalam* or *tivas.*
6	„	do.	*ain* or *khair.*
12	„	do.	*pánkhám.*
3	„	do.	bamboos.
2	„	do.	firewood.
1½	„	do.	*jhitás* or reed.

If the contractor discovered any carts removing teak or blackwood he should make a note of the same and send the cartman to the *subha* (*táluka*) office of Sanján, where fee will, according to order, be levied, and the contractor will be remunerated for bringing to light such removal of timber at the rate of 2 annas per cart. The contractor should send in a monthly list of cartmen so sent up by him to the *subha* office before the 5th of each month. Government in their last Resolution, dated 11th August 1856, regarding the levy of fee on wood removed from the Javhár State, have directed that if the pass is not satisfactory in every way, the contractor should levy fees. He is also authorized to levy fee if the State authorities refuse to show counterfoils of passes and accounts to such *kárkuns* and other officers of this Government as may demand the same for inspection. This should be clearly understood and acted up to. The same procedure should be followed with regard to wood imported from the Dharampur State.

27. If any difficulty is experienced in making out whether the charcoal imported from the States of Javhár and Dharampur is made of teak or *injáili* and if the passes are silent on the subject, the point should be settled by reference to a *pánch.* If it were found that the charcoal was made of teak, a fee of Rs. 1-4-0 per cart should be levied for Government, otherwise the contractor should levy the usual fee on his own account. (*Vide* Dr. Gibson's No. 5, dated 18th January 1856.)

28. The contract will be put to auction on the following alternative terms, viz:—

(*a*). All fees leviable on wood removed from the Kolvan jungles to be collected direct for Government and the *rest* to be received by the contractor in consideration of the amount agreed to be paid by him to Government for the monopoly.

(*b*). The contractor to collect fees on all wood removed from the jungles, including Kolvan, in consideration of the amount payable by him to Government for the monopoly.

29. If Government should direct any alterations in the terms of the contract as described above they will be binding upon the contractor and no objection would be listened to on his part. The bidders at the auction sales should first make themselves acquainted with the terms of the contract as described above and then bid at the auction.

(Signed) BHIKA'JI BALLA'L,
Probationary Mámlatdár.

Dated 4th September 1856.

The following clauses have been added under the authority of Dr. Gibson, Conservator of Forests' order No. 50, dated 23rd September 1856:—

30. It is optional with Government to allow poor people to remove wood free or on payment of fees. The contractor will not be allowed to object to this.

31. If Government should order that fee should be levied on timber removed by Vánis and other trading classes for erecting godowns and other buildings, the contractor will be entitled to receive the amount of fees so collected through the *mámlatdár,* but he will not be allowed to recover the amount directly from the persons removing the wood. The same procedure should be adopted if Government directed the levy of fees on building wood removed by the people of other *tálukás.*

32. The manufacture of *dagdi kolsa* (charcoal ?) is prohibited. The contractor should report if he detected any persons manufacturing it.

33. The peeling off bark of the standing *ain* trees is prohibited, but the bark may be removed from the trees felled for timber. Any objection raised on the ground will not be listened to, and the contractor shall have to pay the amount of the contract by the instalments agreed upon.

34. The provision in clause 26 which entitled the contractor to receive 2 annas per cart of prohibited timber removed from the jungle, has been cancelled. He will not receive any such amount in future but it will still be his duty to bring to light all such removal of timber and send the cartmen up to the *mámlatdár*.

BHIKÁJI BALLÁL
Probationary Mámlatdár.

Dated 1st October 1856.

Having read the above memorandum I have signed the agreement.

DHONDO GANGA'DHAR KARANDIKAR.

Dated 17th October 1856.

Exhibit No. 80.

(Referred to at Page 91.)

Extract paragraphs 3, 4 and 7 from the Memorandum dated 15th October 1866, containing the terms of Survey Settlement to be announced to the rayats of Dahánu táluka of the Thána District, forwarded to the Mámlatdár of Dahánu, by the Superintendent, Revenue Survey.

3. In those numbers set aside for Government or other purposes, no one will be permitted to use such lands for any (other)purposes. If any one does so he will be liable to the penalty set forth in Section 33 of the Act.

4. The *varkas* land had not hitherto been measured and the rayats removed therefrom *rán táhál* for the cultivation of their fields without paying any assessment. Such lands have been now measured off into numbers, assessed, and entered in the names of the persons who had taken *rán táhál* from them. The occupants of numbers are at liberty to cut *táhál* for cultivation from all trees in their numbers excepting teak, blackwood and *tivas*. They may also cut what firewood is necessary for their domestic, that is, agricultural and household, purposes. But no one is permitted to exercise the powers under Section 40 of the Act, nor to trade in wood.

7. In some villages the boundaries of forest lands have still to be demarcated and confirmed. Government have reserved to themselves the power to re-appropriate the lands now given to the people, should the same be hereafter required to be included in the forest.

The above (clauses) have been explained to the rayats.

Exhibit No. 81.

Referred to at Page 98.)

In reply to a petition from Chintó Krishna Barve and other inhabitants of villages *tarf* Tárápur, *táluka* Máhim, *zilla* Thána, dated 16th May 1863, to the Survey *Huzur*, praying that they might be allowed to lop teak trees in their *shindád* lands as before, the *mámlatdár* in his No. 1218 stated as follows:—

On your having made the above petition to the Survey *Huzur*, a reference was made from that office to the Conservator of Forests and it was thereupon finally ordered by the Survey *Huzur* in his Máhim Inward No. 1736, under date 22nd December 1863, that the practice in this matter should be regulated by decision that would be passed on the Forest Committee's report submitted to Government.

Below this endorsement the Assistant Collector in charge of the *táluka* ordered in his No. 312, dated 4th January 1864, that the petitioners may be informed accordingly.

Dated 7th January 1864.

P.S.—You are allowed to cut *shindád* of all trees except teak and blackwood in the lands in your occupancy.

(Signature.)
Mámlatdár.

Exhibit No. 82.

(Referred to at Page 98.)

Statement of whole Waste Numbers in the Village of Nevále, Tarf Tárápur, Tálúka Máhím, Thána District, 1862-63.

Survey No.	Pot No.	Name of Field.	*Kharif.* Area.	*Kharif.* Assessment.	*Varkas.* Area.	*Varkas.* Assessment.	Total of Assessment.	Remarks
1	2	3	4	5	6	7	8	9
			A. g. a.	Rs. a. p.	A. g. a.	Rs. a. p.	Rs. a. p.	
4	...	Varkasi... ...	...	...	10 0 0	1 4 0	1 4 0	Rayats of the five or six coast villages have been removing grass from separate blocks within the limits of this village. But as these blocks were not entered in their respective names, they apply that it may be done now. It is, therefore, ordered and the *taláti* has been instructed accordingly, that the *taláti* should collect the rayats of the said villages on the coming Tuesday, ascertain and record the areas of the shares of the respective villages in the several numbers, point them out to the parties, and present a memorandum of the sub-divisions affected with the assessment leviable thereon. This work should be done on the spot after examining the boundaries.
5	1	Kámathd u k a r-pedhi	3 10 4	4 8 0	...	...	4 8 0	
7	1	Umbarshet ...	1 36 0	2 8 0	...	...	2 8 0	
8	1	Do. ...	2 11 4	3 4 0	...	...	3 4 0	
9	...	Varkasi ..	...	...	7 0 0	0 14 0	0 14 0	
10	...	Do.	...	...	7 0 0	0 14 0	0 14 0	
11	1	Chira	2 26 12	4 0 0	...	...	4 0 0	
12	1	Do.	1 19 4	2 0 0	...	...	2 0 0	
13	...	Varkas	...	...	12 0 0	1 8 0	1 8 0	
14	...	Do.	...	...	12 0 0	1 8 0	1 8 0	
15	...	Do.	...	...	6 0 0	0 12 0	0 12 0	
16	...	Do.	...	...	12 0 0	1 8 0	1 8 0	
17	...	Do.	...	...	8 10 0	1 0 0	1 0 0	
18	...	Do.	...	...	10 0 0	1 4 0	1 4 0	
19	...	Do.	...	...	12 0 0	1 8 0	1 8 0	
20	...	Do.	...	...	13 0 0	1 10 0	1 10 0	
21	...	Do.	...	...	11 0 0	1 6 0	1 6 0	
22	...	Do.	...	...	14 0 0	1 12 0	1 12 0	
23	...	Do.	...	...	19 0 0	2 4 0	2 4 0	
24	...	Do.	...	...	12 0 0	1 8 0	1 8 0	
25	...	Do.	...	...	6 0 0	0 12 0	0 12 0	
26	...	Do.	...	...	14 0 0	1 12 0	1 12 0	
27	...	Do.	...	...	12 0 0	1 8 0	1 8 0	
28	...	Do.	...	...	8 0 0	1 0 0	1 0 0	
29	...	Do.	...	...	22 0 0	2 12 0	2 12 0	
30	...	Do.	...	...	16 0 0	1 8 0	1 8 0	
31	...	Do.	...	...	16 0 0	1 8 0	1 8 0	
32	...	Do.	...	...	15 0 0	1 14 0	1 14 0	
33	...	Do.	...	...	20 0 0	1 14 0	1 14 0	
34	...	Do.	...	...	20 0 0	1 14 0	1 14 0	*Dated 15th May 1863.*
35	...	Do.	...	...	15 0 0	1 6 0	1 6 0	
36	...	Do.	...	...	10 0 0	1 4 0	1 4 0	(Signature)
37	...	Do.	...	...	17 0 0	2 0 0	2 0 0	Superintendent, Revenue Survey.
38	...	Do.	...	...	11 0 0	1 6 0	1 6 0	
40	1	Kámathd u k a r-pedhi	3 19 12	5 0 0	...	...	5 0 0	
43	1	Báblipaiki ...	0 26 12	1 0 0	...	...	1 0 0	
45	1	Umbarshet ...	1 34 12	2 12 0	...	...	2 12 0	
50	1	Neválmán ...	0 27 4	1 4 0	...	...	1 4 0	
53	...	Gurcharani ...	..	...	55 1 0	...	...	*Gurucharni kade mophat.* For free grazing.
54	...	Ságván	...	...	159 20 0	...	...	*Rán rakshan karun gure mophat chárávi.*—Cattle to be grazed free preserving the jungle.
55	...	Do.	...	...	3 0 0	...	...	
56	...	Gurcharni ...	...	...	13 20 0	...	...	*Gurcharni kade mophat.* For free grazing.
57	...	Parigh	...	...	542 13 0	...	...	*Rán rakshan karun guer mophat chárávi.* Cattle to be grazed free, preserving the jungle.
43	9	.....	18 12 0	26 4 0	1,140 24 0	42 14 0	69 2 0	

BHA'SKAR NA'RA'YAN,
Mámlatdár.

It is endorsed that the trees in the assessed (waste) numbers have been disposed of according to the new rules by receiving a lump sum value for the same; they should therefore be given away for cultivation. Survey numbers 53 and 56 have been assigned for free grazing, and survey numbers 54, 55, 57 for preserving the jungle and allowing cattle to graze free, no cultivation being allowed.

(Signature.)
Superintendent, Revenue Survey.

Dated, 15th May 1863.

Exhibit No. 83.

(Referred to at Page 99.)

In reply to the petition, dated 11th April 1867, from Náro Trimbak Dándekar and others of Máhim, praying that they might be allowed to cut *vistár* (side branches) of all trees for the purpose of firewood and to cut blackwood, &c., for agricultural purposes, the Collector of Thána in his No. 93, dated 25th July 1867, stated as follows :—

From information obtained from the *mámlatdár*, it appears that you are not prohibited from obtaining fuel of those kinds of trees which are specially assigned for firewood purposes. You may also cut trees (excepting teak and blackwood) in your numbers for agricultural purposes. But if that supply falls short, the *mámlatdár* has been ordered to permit you to cut and obtain the same from the forest set apart for the use of the village wherever the forest demarcation has been effected. Where such demarcation has not yet been carried out, Government forests shall be kept open for the purpose until the completion of the demarcation.

(Signature.)
Collector.

Dated 25th July 1867.

Exhibit No. 84.

(Referred to at Page 99.)

In reply to the petitions, dated 8th September 1870 and 22nd November 1870, from Dhondo Vináyak Dándeker and others of Máhim, praying that they might be allowed to take firewood and *táhál* for *ráb* for their fields from the Government forest, the Collector of Thána stated as follows :—

In your petition outward No. 35 you have referred to the order issued by the late Collector, Mr. Havelock. The privileges therein granted were in several cases abused and Government was put to great loss thereby. The following rules have now been made in modification of that order. These rules shall remain in force until the *varkas* land shall have been measured off and the demarcation of forest effected in the Máhim *táluka*.

1. Any person may without permission cut from his *málki* rice or *varkas* numbers wood of all trees other than teak and blackwood for the purpose of firewood, ploughs, carts, roofs and cattle-sheds. He may also remove thin rafters and *tokars* and *kárvi* for wattles.
2. In addition to what is obtained from such lands, *táhál* solely for the purpose of *ráb* may be cut from *gurcharan* and *gávkhap* lands. In lopping an *ain* tree, however, care should be taken that it is not pollarded.
3. No cutting except for *ráb* shall be allowed in *gurcharan* or *gávkhap* lands without the *mámlatdár's* previous permission.
4. Nothing is to be cut in Government forest unless formal permission has been applied for and obtained.

(Signature.)
Acting Collector.

Dated 8th February 1871.

Exhibit No. 85.

(Referred to at Page 99.)

In reply to a petition, dated 12th February 1867, from Chinto Krishna Barve of Tárápur asking permission to cut all trees, including teak and blackwood, from his *málki* numbers the *mámlatdár* of Dahánu states in his No. 436 :—

You wish to cut teak and blackwood in your *málki* numbers but you should not cut such trees. If you cut them without orders, you would incur risk for disobeying Government orders.

There is no objection to cut trees other than teak and blackwood up to the value of Rs. 200. The *pátil* and *taláti* have accordingly been informed.

TRIMBAK SADA'SHIVA,
Mámlatdár.

Dated 30th April 1867.

Exhibit No. 86.

(Referred to at Page 99.)

Finding.

The accused Chinto Krishna Barve is charged under Sections 427 and 403, Indian Penal Code.

The accused holds certain lands at Barhánpur in the Máhim *táluka*.

These lands contain a good deal of wood, and having formerly been *varkas* lands in which it was customary to cut *ráb*, were numbered and assessed for the first time at the Survey Settlement of 1866 of the Sanján *táluka* to which the village of Barhánpur then belonged.

The accused states that Barhánpur was one of the *ránpatti* villages to which a 10 years' settlement was applied; and that the settlement has expired. This plea is of no avail, since it is manifest that a settlement is in force till revised.

Regarding wood in such lands the survey *tharáv* of 15th October 1866 laid down that holders might use the wood excepting teak, *tivas*, and blackwood for domestic and agricultural purposes. But no one was to have permission to act according to Section 40 of Bombay Act I. of 1865 and to trade with the wood.

That is, unlimited proprietorship in the wood was granted to no one.

For the prosecution it is stated that in January 1878, *i.e.*, nearly two years ago, the accused felled 100 cart-loads of wood on this land and proceeded to dispose of it to the wood traders; 26 cart-loads of it were attached on the Manor bunder and the rest *in situ* at Barhánpur.

On the 20th March 1878, under directions from the District Forest Officer, the accused executed a *kabuláyat* binding himself to surrender the wood or its equivalent value Rs. 112-8 on its being authoritatively decided that he had no right to the wood and in the mean time not to cut any more wood on his land (presumably for the purpose of trading with it).

The attachment was then removed. Subsequently in April, May and June 1878 the accused continued his cuttings and felled 200 cart-loads, which were at once attached. Out of this, 20 cart-loads were reported by a forest guard to have been loaded on Adamji's carts and to have been stopped in Barhánpur limits.

They are further said to have been attached and made over to a forest guard in the *pátil's* presence, and to have been new wood. If this was the case, it was a clear breach of the *kabuláyat* as well as of the survey *tharáv*, of which more anon.

This wood is the subject of the second charge. The accused denies the fact, so does the *pátil* of Barhánpur; so does Mr. Adamji, who is a very respectable merchant. No official of the Forest Department above the rank of a forest guard saw these particular cart-loads of wood, and he does not know what became of them. It appears that orders regarding their attachment were issued, but for all further information concerning them they may have been the ghosts of carts, and in the face of the denial by the *pátil* and by Adamji, I cannot hold this charge proved against the accused. After this, matters seem to have remained quiet till January 1879, when a further quantity (10 cart-loads) of wood from accused's estate was attached on the Manor bunder, having been sold by him to Adamji's brother in Adamji's absence. And in March 1879, 75 cart-loads were attached on Navápur bunder, where the accused had sent them for despatch to Bombay, nominally to his son's house there, for domestic use, having previously despatched two boat-loads, estimated at 20 cart-loads, to the same destination. It is ridiculous to suppose that all this quantity of wood could have been intended for domestic consumption in Bombay. But there is nothing to prove that either this or 10 cart-loads attached at Manor were not part of the wood surrendered to the accused under the *kabuláyat*, of 20th March 1878.

With regard to the quantity of wood alleged to have been cut, it should be stated that the number of cart-loads mentioned was a mere eye estimate and that no actual measurement was made.

There is therefore considerable difficulty introduced into the case. The wood of the old and new cuttings lay all higgledy piggledy about the estate, and after the interval of a year, including a very heavy monsoon, it became impossible to say whether the wood attached at the bunders in 1879 belonged to the 1st or the 2nd cutting. If it belonged to the 1st, the accused had under the *kabuláyat* authority to deal with it as he liked. There is nothing to show that it did not belong to the first cutting, and I am therefore unable to charge the accused with misappropriation in respect of it.

In defence the accused pleads that he cut the wood for agricultural purposes on the second occasion, and that on the first, he had given notice of his intention to the authorities; that he disputes the right of Government to prevent him from cutting for other than domestic and agricultural purposes and has filed a suit on the subject against Government in the Civil Court.

With regard to the plea that the second cutting was made for agricultural purposes, the witnesses (Exhibits Nos. 2 and 3) who are in the accused's service do state that the wood was cut for lime-burning, there being a stone bund to be built on the estate. The prosecution does not deny this fact; but if such was the case, the attachment of the wood by the Forest Department prevented the accused from making use of it, but he made no petition for its release to him for that purpose. Supposing the plea to be true, I imagine that the accused had under the survey *tharáv* a perfect right to cut the wood for such a purpose. However,

I am inclined to think that this plea is the result of an after-thought, and that all the pleas may be reduced into one, *i.e.*, that the accused disputes the right of Government to prevent him from cutting wood for any purpose he likes.

He puts in several documents and calls for several more to be produced. I do not consider it necessary to consider them here in detail. They tend to show that the accused, so far from any attempts to conceal his proceedings, acted in the most open manner; plied the revenue and forest officers with notices of his intentions and professedly attempted to extract from them, without success, a declaration of his rights as defined by the Survey Settlement.

It is notorious that with regard to rights to trees, the various Survey Settlements carried out in the Thána district have been of a nature calculated to envelope the whole subject in cloud and that in certain cases the authorities have had difficulty in clearing it.

The Government Resolution which sanctions the Sanján Settlement commences with remarks uncomplimentary to the Survey Department but also sanctions specially the rule proposed regarding trees, which has already been referred to at the commencement of this finding.

All that seems to have been done towards publishing this rule for information was, that a copy of it was sent by the Survey Superintendent to the Dahánu *mámlatdár* on 10th April 1869, with instructions that it was not necessary to supply copies to rayats who asked for them. There therefore seem grounds for believing that the accused's statement may be true, when he says that he never saw this rule till he obtained a copy of it from the Judge on 15th September 1879.

The general impression produced on my mind by the documents produced by the accused is that, so far as his rights to trees were concerned, he had grounds for not knowing whether he stood on his head or his tail. Granting him these doubts the action of the Forest Department in taking from him the *kabuláyat* of 20th March 1878, instead of at once prosecuting him for his doings of January, tended to increase them.

The action of the Forest Department was entirely due to the wish of the District Forest Officer to show consideration to a man in the accused's position.

The accused does not appear to have interpreted it in this manner; he construed it as meaning that the authorities themselves were in doubt upon the subject, and not receiving the " authoritative decision " referred to in the *kabuláyat* at once, he went on with his cuttings, no doubt by way of challenge, which after this long interval has resulted in Government issuing directions for his prosecution, and thus driving him into the Civil Court, where he has now filed a plaint in support of his claim.

I am of opinion that considering the openness of the accused's proceedings and the nature of the doubts, of which I consider him to have been possessed, he must be considered to have acted in good faith sufficient to remove his acts from the operation of the Penal Code.

I therefore find the accused not guilty of the offences under Sections 427 and 403 of the Indian Penal Code specified in the charge and acquit him under Section 220, Criminal Procedure Code.

E. J. EBDEN,
First Class Magistrate.

Camp Umbargaon, dated * *December 1879.*

Exhibit No. 87.

(Referred to at Page 99.)

No. 6.

Notification.

FROM

THE COLLECTOR OF THÁNA.

Be it known to all that in places in which Survey Settlement has been introduced, the teak and blackwood trees should be considered to have been reserved by Government under Section 40 of Act I of 1865, if they were not sold to occupants when the occupancy right of the survey number in which they stand was disposed of.

(Signature)
Collector.

Dated 5th June 1867.

Exhibit No. 88.

(Referred to at page 99.)

No. 296.

Substance of a letter No. 1643, dated 16th April 1867, from the Revenue Commissioner, N. D., to the Sub-Collector of Kolába, forwarded to the Collector of Thána under endorsement No. 1644 of the same date.

It should be made known to all by a notification that in places to which the provisions of Act No. I. of 1865 have been applied, teak and blackwood trees in *málki* survey numbers, if they have not been disposed of along with (the occupancy right of) the fields in which they stand, have, since the introduction of the Act, been reserved under Section 40.

Forwarded to the *mámlatdár* of Dahánu for publication by posting copies of the same in conspicuous places in each and every village.

(Signature)

Dated 5th June 1867. Collector.

Exhibit No. 89.

(Referred to at page 99.)

Notification.

Be it known to all. Those rayats who pay assessment to Government on their rice and garden lands have some land in their user for *ráb* and other purposes on which they do not pay any assessment. Those rayats cannot sell, relinquish or part with such land for any other purpose without the permission of the Collector. The provisions of law on this subject which are embodied in clauses 2 and 3 of Section 6 of the Regulation XVII of 1827, are as follows :—

2. When a cess (veera, &c.) is paid by any class of people holding land exempt from the payment of revenue, the produce of the land being evidently the means of the payment of the cess, no alienation of any part of such land, without the Collector's sanction, shall be valid, but if application be made by the persons paying the cess, the Collector shall cause such cess to be laid as a fixed assessment upon such portion of the land as he may judge to be adequate, and the remainder of the land shall thenceforward cease to be subject to any restriction on account of such commuted cess.

3. If a person throw up land paying veta, as described in clause fourth, Section 4 before the provisions of the said clause shall have been followed, he shall at the same time surrender the land held in conjunction with the said veta land, and if he throw up land the road to which lies through land retained by him, such road shall continue open, without entitling him to any abatement of revenue on that account.

Section 4, clause 4, is as follows :—When a larger revenue under the name of "veta," or other local denomination, is, under former practice, assessable upon a portion of land than according to general rule, such land would otherwise pay, in consideration of other land enjoyed with it and not directly assessed, or assessed below its value, such excess of assessment shall be placed upon the land which is enjoyed without being assessed, or which is assessed below its value.

Exhibit No. 90.

(Referred to at page 106.)

Extract from Village Form No. I. of mouze Kallále, tarf Tárápur, táluka Máhim, zilla Thána, for the year 1871-72.

Survey Number.	Pot Number.	Alienated or Government.	Total Area in Acres.	Portion unculturable.	Name of the *Khátedár* or Occupant.	Culturable Land and Assessment.						Quit-rent on the alienated Land and the Settlement Charges, &c.	Assessment on the alienated Land deducting the Quit-rent, Settlement Charges, &c.	Record of Alterations of Names of Holders.		Remarks.
						Dry-crop.		*Tari.*		Total.				Name.	Order by whom is ued and its Date.	
						Acres.	Assessment.	Acres.	Assessment.	Acres.	Assessment.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			A. g.	A. g.		A. g.	Rs. a. p.	A. g.	Rs. a. p.	A. g.	Rs. a. p.					
28	1	Government.	4 19	0 20	Dharma Dhákṭya Pátil.	0 8	0 0 6	3 31	8 8 0	3 39	8 8 6	..	..	..	A. K. N.	The person named ha bought thre teak tree for Rs. 3-0-(
33	1	Do. ..	7 36¾	0 17	Vináyak Náráyan.	..	..	7 19¾	16 8 0	7 19¾	16 8 0	..	..	..	A. K. N.	Two tea trees fro this numbe have bee sold to Dir kar Sakhá rám fo Rs. 2.

Exhibit No. 91.

(Referred to at page 108).

Translated substance of an unverified document purporting to be a petition of Sákharlál Khusháldás of Bassein, without date.

That the petitioner holds *suti* land in the village of Pelhár, *tarf* Sáyaván, *táluka* Bassein, which contains teak trees; that he applied for permission to lop teak trees in his *málki* lands as well as in *parigh* numbers, on which a correspondence ensued and the *mámlatdár*, in compliance with the Collector's order No. 167, gave him to understand, under date 13th September 1865, that he (the petitioner) should obtain his supply of *ráb* from the considerable forest area which had been assigned last year at the Survey for the use of the agricultural and other population of the village and that no one would be allowed to enter the remaining Government forest.

The petitioner further states that he does not ask permission to lop in the forest demarcated by cairns raised by the Survey Department, but simply asks permission to take loppings from outside the demarcated forest.

The petitioner as a matter of course will lop teak trees standing in his *málki* numbers, but he requests permission to lop teak trees growing in the land lying outside the forest boundary but close to his fields. He solicits this permission to avoid future trouble.

The petitioner states he was given to understand at the time of the fixing of the boundaries that he was to be allowed to lop *táhál*. Besides teak there was no other tree-growth from which *táhál* could be obtained in sufficient quantity. The petitioner requires about 80 maunds of *táhál* every year. He moreover solicits attention to the fact that pruning does not injure trees but on the contrary improves them. He requests early orders as the season of cutting *táhál* is passing away. He cultivates his fields by his servants and has already commenced burning *ráb*. The petitioner is at a loss to know how he is to pay the hundreds of rupees of his assessment if he is not allowed to cut *táhál* for *ráb*.

Exhibit No. 92.

(Referred to at page 108.)

To

THE GOVERNMENT OF THE EAST INDIA COMPANY.

I, Rávji Náráyan Dátár, resident of Ágáshi, *táluka* Bassein, hereby pass an agreement as follows:—

My *suti* land in the village of Pelhár, *tarf* Haveli Sáyaván, *táluka* Bassein, stands in the name of my brother Gopál Náráyan. The *shindád* land attached to the field is watched over by me. Government having ordered that no one should cut teak trees without permission I petitioned (to Government) about four times, and once made an oral representation. Government thereupon having taken into consideration my respectability ordered me in their No. 37, dated 7th August 1855, to execute an agreement to protect the forest in consideration of receiving one-fourth of the forest revenue. I hereby agree that whenever Government would fell the full-grown teak trees, the cost of felling should be deducted from the sale proceeds and the net income should be divided between Government and myself in the proportion of three to one. I undertake to detect any one stealing teak and produce him before the *mámlatdár*. If Government finds that I neglected to arrest the thief, I shall make up the loss from my own share; but I am not to be held responsible if I used all my efforts and still failed to trace the thief. If it is proved that I dishonestly cut or allowed other people to cut small trees, I shall undergo any penalty that Government may be pleased to impose on me. I shall prune teak trees and cut their leaves. In pruning the trees I shall leave the stumps of side branches about four fingers in length uncut. If any of the wood so felled be four cubits or more in length and as thick as the calf of one's leg, it will be delivered over to Government. Out of this three-fourths shall be retained by Government and the rest returned to me as my share. All the twigs and leaves will be utilized for *ráb* purposes and the remaining wood would be used for my domestic purposes or would be given to my servants. I shall not cut any tender saplings; only the side branches of full-grown trees will be cut in the manner mentioned above. If any further concessions are ever granted to other rayats who have tree-growth on their *shindád* lands similar to that of my fields, the same concessions should be granted to me. I have willingly passed this agreement under my signature.

RAVJI NARAYAN DATAR.

Dated 13th August 1855.

Exhibit No. 93.

(Referred to at page 109.)

Seal.

Jahir Patta of mauze Karjon, tarf Haveli Sáyaván, táluka Bassein, zilla Thána, according to the settlement effected in 1861-62 by Major Francis, Superintendent of Revenue Survey, Thána.

No.	Name of Person.	Assessment as settled.			Remission on account of enhancement.			Remainder to be recovered.		
		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1	Náro Keshao Pátil	144	11	6	.....			144	11	6
2	A'pa Báji Gálvankar	89	14	0	.....			89	14	0
3	Dhán Govind Bhámtya	16	0	0	.....			16	0	0
4	Vithal Lakshman...	83	1	0	.....			83	1	0
5	Sitárám Náráyan	7	13	0	2	13	0	5	0	0
6	Bálkrishna Anant	15	8	0	5	8	0	10	0	0
7	Sadáshiv Anant Laváte	17	8	0	.....			17	8	0
8	Sundar Keshav Thakkar	10	0	0	.....			10	0	0
9	Raghunáth Sadashiv Joshi	13	8	0	7	8	0	6	0	0
10	Umábái Ramchandra Shet	9	8	0	3	8	0	6	0	0
11	Ráma Mahádu Pavár	6	0	0	.....			6	0	0
12	Amin Bálu Nivari	3	2	0	.....			3	2	0
13	Navshya Kondaji Govári	2	8	0	.....			2	8	0
14	Ambo Bhoir	0	4	0	.....			0	4	0
15	Sángya Koli	0	4	0	.....			0	4	0
16	Ganya Cháchar	0	8	0	.....			0	8	0
17	Rupya Dodya Várli	2	0	0	.....			2	0	0
		422	1	6	19	5	0	402	12	6

Dated 14th May 1862.

(Signature)
Superintendent of Revenue Survey.

Exhibit No. 94.

(Referred to at page 110.)

Circular No. 16 of 1881-82.

FROM

THE COLLECTOR OF THANA;

To

THE MAMLATDAR OF BASSEIN.

With a view to make it convenient to the *khátedárs* to cultivate their land, by removing the growth of teak wood trees standing on the survey numbers (included) in their *khátás*, applications having been made by *khátedárs*, permission has been frequently granted of late from this office through the Forest Department, and will hereafter continue to be granted to fell trees free of duty on condition that the *khátedárs* shall have no right to future sprouts and that Government shall be entitled to old stumps, to the sprouts that may spring up hereafter, and to the trees that may grow up newly. In respect of this you should make an endorsement to this effect in the Village Form No. I., attested under your signature against each survey number. But about the permission already granted you should make enquiries and report in a month as to whether the (cutting) operations are over. As regards the permission that may hereafter be granted you should make similar endorsements and intimate to this office as each occasion arises.

An order has been sent from hence to Forest Department desiring to furnish you with information in respect of permissions granted.

(Signature) Collector.

Dated 10th December 1881.

Exhibit No. 95.

(Referred to at page 110.)

Circular No. 21.

FROM

THE MAMLATDAR OF BASSEIN;

To

THE TALATIS,

Táluka Bassein.

It was decided at the Survey Settlement that the occupant had right over all trees in his *málki* numbers with the exception of the 13 kinds of trees conserved by Dr. Gibson, viz.;

teak, blackwood, *ain, khair, hed, kalamb, asána, núna, bibla, karanj, jámb, shivan* and *dhávda*. As mango, *mowra*, tamarind and *jámbhul* trees in *málki* numbers are not mentioned as conserved, the rayats believe that the occupant has full right over such trees, and they have commenced to fell and sell them in the form of *kita* or firewood to traders for being taken to Bombay. The real object of conceding such a right to the survey occupants at the Survey Settlement seems to have been to provide them with wood for their domestic purposes. The rayats, however, not keeping the real object in view sell such trees to traders and ask from Government the wood necessary for their agricultural and domestic purposes. The Mámlatdar of Karjat therefore suggested in his report to the Collector that occupants should be allowed to use only for their domestic purposes the wood of mango, *mowra*, tamarind, and such other trees as are not included in the 13 reserved kinds; and they should be prevented from taking *táhál* and other *rán* materials and wood for ploughs, &c., from Government forest, if they sold any wood from their *málki* numbers to traders. A correspondence ensued thereon which bears Karjat *Huzúr* outward No. 619, Thána Collector's No. 292 of 1881-82 and *Pránt* Bassein miscellaneous inward No. 8 of 1882-83; and this circular has been issued to you (*talátis*) in compliance with the final orders, dated 3rd November 1882, from the Assistant Collector in charge of the *táluka*. In this correspondence the Collector of Thána wrote an endorsement, under date July 1882, to the address of the District Deputy Collector in charge Kalyán sub-division, which runs thus:—

The only reserved trees are those specified above, but the object of making concession to the rayats as regards the other trees was to provide for their domestic and agricultural purposes. If this concession were abused and the wood were sold to traders, the rayats would not get wood for agricultural purposes and *táhál* for *rán*. When their stock is exhausted, Government would also refuse to furnish him with the same. The occupants should therefore use for agricultural purposes such trees as have been conceded to them at the Survey and not to trade with them. Such was the real object of the concession. The occupants should be given to understand that if they sold the unreserved tree-growth from their *málki* numbers, they would not get firewood, *táhál* or any forest produce from Government forest. Notwithstanding this if any occupant cut the unreserved trees from his *málki* numbers for trade, he should not be given, without special permission, wood for agricultural purposes, *táhál* for *rán*, &c., from Government forest. The above should be made known to those rayats who were given the right over *injáili* trees in *málki* numbers. This circular does not concern those who have no right over *injáili* trees and it need not be explained to them. This should be acted up and you should see that the order is carried out.

(Signature)
Mámlatdár.

Dated 27th January 1883.

Exhibit No. 96.

(Referred to at page 111.)

Outward No. $\frac{13}{1883}$.

FROM

THE COLLECTOR OF THA'NA.

With reference to their petition, dated 23rd October 1882, requesting the postponement of the establishment of forest wood depôts and the acceptance of tenders for (removing) wood, Hári Keshav Pátil and others of Bassein, are informed that the depôts are to be established under Section 41 of the Forest Act and under Rule 15 of the rules made thereunder by Government, and that people will not be put to any loss by the establishment of depôts. Instead of annual auctions of *kolpát*, &c., tenders have been invited this year for the same. Depôts are to be established only for the purpose of removing the difficulty experienced by the people in obtaining wood whenever required for garden land cultivation, for building houses, and for all other private use. There is no reason therefore to delay the establishment of depôts or the giving of contracts for wood by tenders.

(Signature)
Collector.

Dated 30th October 1882.

Exhibit No. 97.

(Referred to at page 111.)

Subject to the exception mentioned in clause 5, the exclusive right of carrying and selling standing or fallen dead wood from the Government forests is granted by virtue of this license for and during the term and subject to the conditions hereinafter mentioned:—

1. The exclusive right hereby granted of removing from the Government forests and selling fallen dead wood in the said tracts shall not include or extend to the right of removing or selling any green wood standing or fallen.

2. The license-holder agrees to bring 1,000 cart-loads of wood at the rate of Rs. 1-6-0 per cart from Sháhápur; 8,000, at the rate of Rs. 1-4-0 from Váda; 12,000, at the rate of Rs. 1-4-0 from Máhim; 20.000, at the rate of Rs. 1-4-0 from Dahánu and Umbargaon together; and 6,000, at the rate of one rupee from Bassein; thus about 56,000 cart-loads. For the purposes of this license one cart-load shall be deemed equal to 16 head-loads.

3. On the date of the grant of the license the sum of Rs. 17,438-8-0 which is to be deposited by the license-holder with the District Forest Officer would be credited in the treasury accounts.

4. Depôts shall be established at the place or places approved by the District Forest Officer. The licensee will make his own arrangements with the owner of the land required for depôt sites. The licensee shall remove from the Government forests and shall convey only to the aforesaid depôt fallen dead wood both building and firewood. After being deposited in the depôt the wood will become the property of the licensee, and will be at his disposal, subject to the proper fulfilment by him of the terms of his license and to the conditions mentioned below:—

(1). On arrival of the wood at the depôt it shall be liable to all rules regarding the management of depôts, copies of which rules have been supplied to the licensee.

(2). Government is not responsible for any damage that may be done to the wood in the depôt either by fire or theft or from any other cause.

(3). The licensee shall be bound to maintain at the depôt a supply of wood sufficient to satisfy the local wants of the people of the *táluka* in which the depôt is situated. And he shall be bound to supply those people with the wood they may require at the rates which shall be settled from time to time with the concurrence of the District Forest Officer and the licensee.

5. The licensee shall not remove any wood except of the reserved kinds from *gurcharan* or forest that has been specially assigned for the use of the villagers and nothing contained in this license shall entitle the licensee to interfere with the privilege enjoyed by villagers of collecting for their own domestic use dead wood from *gurcharan* or forest as aforesaid within the limits of their respective villages. The licensee shall raise no objection, if the District Forest Officer shall for any cause close any forest or portion of *varkas* land during the currency of this license. The use of the barks of trees is strictly prohibited for tying up faggots, creepers are the only forest produce that may be used for that purpose, and may be cut by the licensee's employés. If any bark or wood be irregularly cut or other damage be done in the forest by the licensee's employés, the licensee will be held responsible and will have to make good the damage the value of which will be assessed by the District Forest Officer.

6. Every cart-load or head-load of material coming to or leaving the depôt must be accompanied by a pass to be issued by the licensee, who shall furnish his employés with passes, whenever they enter the forest, each such pass covering either a head-load or a cart-load of wood.

Passes issued by the licensee may be used only for wood that is the subject of this license. In the event of such pass being used for any other wood, the licensee will for each instance of such misuse be liable to the penalty specified in clause 16. Passes shall be shown whenever required by any Government servant.

Forms of passes will be supplied to the licensee by the District Forest Officer at the prescribed rates.

In filling up the passes the licensee shall observe the directions of Rule 4 of the rules prescribed by Government under Section 41 of the Forest Act. The counterfoils of the passes used and all the unused passes must be returned by the licensee to the District Forest Officer on the expiry of the term of his license. If the *dákhla* or pass for the wood for which the license-holder has given a pass for being brought to the depôt be not forthcoming when the wood is brought to the depôt it shall not be considered to have been obtained by the license-holder. The price thereof shall be recovered at the fixed rates.

7. All appointments by the licensee of servants, labourers, &c., for the purposes of this license will be subject to the approval of the District Forest Officer, to whom the licensee shall submit nominal rolls of such persons in such forms and at such times as may be required by that officer, who will have the power to summarily dismiss any such person.

8. The licensee shall keep accounts of receipts and of disbursements and other statements of matters connected with this license in such forms as shall be prescribed by the District Forest Officer.

These accounts, &c., shall always be kept at the depôts and the depôt *kárkun* must always produce them for inspection of all Forest, Revenue and Police officers not below the grades of Forest Ranger, *aval kárkun*, or Chief Constable.

9. The licensee shall pay into the Government Treasury the sum guaranteed to be paid under this license in four equal instalments on the following dates :—

1st	instalment on	1st January	1883.
2nd	do.	February	do.
3rd	do.	March	do.
4th	do.	April	do.

On the expiry of the term of this license and provided that the terms thereof shall have been satisfactorily fulfilled by the licensee, the sum deposited by him on the date on which the license was given him, will be returned to him by the District Forest Officer.

The licensee shall together with each instalment pay in a sum of Rs. 150 for each *táluka* or *mahál* on account of establishment to be maintained by Government.

10. The licensee may begin to remove fallen dead wood from the Government forest from the date of this license. The licensee should sell the wood to the people up to 15th May 1883, and not after that date. The right of removing wood shall cease on 31st May 1883. The right of selling the wood from the depôt shall cease on 15th June 1883, after which date all wood collected by the licensee under this license and not sold from the depôt shall become the property of Government.

11. The licensee shall have no claim to any refund on the ground that he shall not at the expiry of the term of this license have removed and brought to depôt the full amount of materials for which he has guaranteed payment.

12. He shall not remove more than the contracted amount of material without obtaining the permission of the District Forest Officer. It will be at the discretion of that officer to accord such permission on such terms as he shall think fit.

13. The licensee shall not sub-rent the whole or any portion of his privilege of either removal or sale, nor enter into any agreement in connection with working of either privilege which in the opinion of the District Forest Officer is of the nature of a sub-rent. And he shall admit no one to partnership without the knowledge and consent of the District Forest Officer.

14. During the currency of the period of this license the licensee shall engage in no dealings whatever in wood that is the produce of *inám* or private holdings.

15. The licensee shall be subject in all respects to the forest laws in force for the time being and to any additional rules or orders which may be prescribed from time to time by competent authority under those laws.

16. If the license-holder or any of his servants should violate any of the conditions mentioned in the license, or if he or any of his servants should act against any of the sections of the Forest Act that may be in force, the District Forest Officer has the power, at any time, to inflict a fine to the extent of Rs. 1,000 and to recover the same from the above-mentioned deposit, or to withdraw the license either wholly or in part or to suspend it or to cancel it. Nothing contained in this clause shall, however, affect the liability of the licensee to criminal prosecution under the Forest Act. If the license is revoked or cancelled, the whole stock of material that may have been collected by the licensee at the date of such revocation or cancellation shall forthwith become the sole property of Government and shall be made over to the District Forest Officer. And the licensee shall forthwith cease to have any interest in such material and shall not be entitled to the refund of any monies paid by him on account of deposits or instalments, but he shall remain responsible for any monies that may have become due by him and not have been paid.

17. The office copies of the passes that will have to be given by the licensee must be written according to the original, failing which Section 6 shall be enforced.

Dated 11th December 1882.

Exhibit No. 98.

(Referred to at page 111.)

(*Vide* Exhibit No. 55.)

Exhibit No. 99.

(Referred to at page 111.)

To

G. K. BETHAM, ESQUIRE,
District Forest Officer, Thána.

Respected Sir,

The petitioner Lakshman Náráyan Sádhale of Bassein, on behalf of the people of Bassein *táluka*, humbly and respectfully sheweth;

That in accordance with the Section 41 (*e*) of the Indian Forest Act, and the 15th of the rules framed on the same section by the Bombay Government, the exclusive right of removing from the reserved forests and of selling standing and fallen dead-wood has been granted by a license, and depôts have been established in the *táluka* of Bassein. Before the tenders were received and the license was granted petitions and telegrams were sent to Government by several persons from Bassein, requesting not to establish the present depôt system, which in their opinions seemed likely to cause them inconvenience and expenses. The Collector of Thána has sent a reply to one of them, wherein it is expressly stated that the object of the system is to help to remove the difficulties in getting wood for agricultural and building purposes as well as ordinary domestic use hitherto experienced by the people. But the people have been subject to difficulties in the acquirement of wood, both building and firewood and bamboos, &c., and are likely to be subject to more difficulties of the kind in future from this depôt system. Consequently your petitioner has been submitting the following questions with regard to the meaning of the conditions of the license, and with regard to the working of the present system, that he may be able to place before your Honor reasonably their grievances and complaints:—

Questions.

1. Is the quantity of wood in the Government forests approximately settled and the quantity that should be kept at the depôts to satisfy the local wants of this *táluka?* In case they are, how much?

2. Is the exclusive right possessed by the licensee in connection with the condition 12 and the heading of the license limited only to 6,000 cart-loads as said in the condition 2, or does it hold good in every piece of wood in the said forests in the whole *táluka;* and if not, can the Government sell to any other person wood, provided there is more wood than 6,000 cart-loads within the period of the present license?

3. Do the words "supply of wood" in the condition 4 (3) mean supply of wood both building and firewood, and if they do, are the rates settled?

4. The table of weights published on depôt-boards is as follows:—

80	*tolás*	= a seer.
14	seers	= one maund.
2	maunds	= one head-load.
16	head-loads	= one candy or cart.

Are these weights only for the wood to be sold to the residents of the *táluka* for their domestic use by the licensee or also for the wood to be bought by the licensee from the Government?

5. Can the licensee sell wood beyond the limits of a depôt at rates other than those specified on the depôt-boards and in the very *táluka?* Or can he sell to a third person for sale at different rates in the same *táluka*, and if he can, what are the rates for such a bargain? Has he any choice of restricting such sales to persons of his own choosing only?

6. Questions regarding the 5th condition.
   1. What are the reserved kinds of wood in the *gurcharan* and village forests?
   2. Do the villagers possess any other privileges than the one alluded to in this condition?
   3. Do the word domestic use mean the use of wood as such and not an exchange for other articles of maintenance?
   4. Are the village forests open only to those who reside in the village and not to those who hold land there but do not reside?

7. Can the licensee sell any portion of wood in gross without weighing it?

8. Is not the licensee bound to sell wood to a person in any village at any depôt?

9. If any person wishes to provide himself with a quantity of wood sufficient for one whole year at one time, is not the licensee bound to satisfy his want? and in case he is, is it not for the customer to decide what quantity he requires?

10. Is not the licensee bound to provide a customer with any quality of wood he likes from the wood at the depôt?

11. Can the licensee export superior kind of wood for trading purposes and keep inferior one at the depôts to satisfy local wants?

12. *Kárvi*, bamboo and others are to be sold by head-loads. Where these loads mean any quantity that can be carried by a man or can be filled into a cart or can the licensee decide what is to be the quantity on each occasion?

That as the petitioner entertains hopes to place before your kind notice reasonably and satisfactorily the inconveniences the people of Bassein have been put to, and to get them

removed as much as possible, your Honour will be kind enough to answer the questions at your earliest convenience and oblige.

He begs to remain, &c.,
LAKSHMAN NA'RA'YAN SA'DHALE.

P. S.—As your petitioner is no English scholar he has had to get this above done by a third person, and your petitioner therefore hopes that all shortcomings in the above may be leniently viewed by your Honour.

14th February 1883.

Exhibit No. 100.

(Referred to at page 111.)

THE COLLECTOR OF THA'NA
AND THE CONSERVATOR OF FORESTS, NORTHERN DIVISION.

The humble petition of
Lakshman Náráyan Sádhle.

RESPECTFULLY SHEWETH,

That your petitioner is an inhabitant of Bassein and has been appointed agent by the inhabitants of the *táluka* of Bassein a in public meeting assembled on the 21st January 1883 to represent their grievances to Government in the matter of the forest laws.

2. That in pursuance of the rules framed under Section 41 of the Indian Forest Act of 1878 the exclusive right of cutting and selling dead wood in the *táluka* of Bassein, among other four *tálukas*, has been granted by a license to two persons by the District Forest Officer of Thána.

3. That ever since the introduction of this system in the Bassein *táluka* in December 1882 it has been a subject of anxious interest with your petitioner and other inhabitants of the *táluka* to watch its working, but your petitioner regrets to say such immense hardship has been caused to the people by this measure, during the short space of three months, that your petitioner was induced to make repeated representations on this subject to the District Forest Officer, but without success.

4. That encouraged by your Honour's visit to these parts your petitioner craves leave to approach your Honour's presence with this humble representation with a hope that its prayers will receive favourable consideration.

5. That deeply sensible as your petitioner is of the solicitude of Government and their officers for the well being of the people, your petitioner begs to submit that in this matter of bestowing the exclusive right of selling forest produce on particular individuals the humane intentions of the Government have been frustrated. All the evils that are known to result from monopolies in trade and farming of the revenue have resulted in the present instance. The objects of this measure, as your petitioner apprehends, are the security of the forest revenue, the convenience and comfort of the people, and the preservation of the forests. None of these objects, your petitioner submits, has been attained by the present measure. On the other hand it has been, your petitioner ventures to say, fruitful of manifold mischief.

6. That the licensees, though bound by clause 3 of condition 4 of their license, to keep a sufficient quantity of wood, both building and firewood, at these depôts, so as to be easily accessible to people at fixed prices at all times, do not keep such wood. The total quantity of wood removeable by the licensees during the term of their license is 6,000 cart-loads (that is about 15,000 candies). The whole of this quantity even, taking it as firewood, is insufficient to meet the requirements of the 69,000 inhabitants of the Bassein *táluka*; for deducting from the total population those whose wants will be supplied by the produce of *gurcharans* and village forests, about 21,000 in number, there results an average of ten maunds of firewood for consumption per head of the population. But insufficient as the total quantity will be, the insufficiency is aggravated by the licensees' exporting vast quantities of wood to Bombay and other places and secreting some in private storehouses in the *táluka* itself. Thus the stock in the depôts is insufficient to meet the demands of the people at any one time. One reason for this conduct on the part of the licensees, your petitioner begs leave to suggest, is, as the license expires and the Government comes into possession of the depôts on the 15th June 1883, it is manifestly the interest of the licensees to remove all available produce from their depôts within the term of their license. But as a consequence of this procedure your petitioner begs to point out that the wants of the inhabitants not being satisfied now, they will be left without provision of fuel in the rains, and then will have to accept the heavy terms of the private dealers, may be the present

licensees themselves. The cost of fuel must then necessarily rise and the inhabitants will have to pay that cost in consequence of the refusal of the licensees to sell sufficient quantities now.

7. That the licensees, though bound by the said condition (4), to keep a supply of building wood as well as firewood at their depôts at stated prices, fail to do so. Consequently the people have frequently to pay very heavy prices for their supply from other quarters.

8. That condition 5 provides for the removing of dead wood by villagers themselves from *gurcharans* and forests, specially assigned to villages and empowers the licensees to remove certain kinds of wood designated 'reserved'. These 'reserved' kinds not being clearly defined and well known, the licensees find themselves at liberty to remove all wood indiscriminately in the aforesaid *gurcharans* and forests, and in many cases have interfered with the use of the forests by the villagers themselves. It not unfrequently happens that a head-load of wood cut by a villager from a *gurcharan* is detained and confiscated at a depôt by the licensees on the allegation of its having been removed from Government forests. Moreover the said condition restricts the use of wood by the villagers themselves for domestic purposes within the village limits and thus great hardship is caused to certain classes of people, *i.e.*, the Várlis and the Kolis who live on the exchange of produce. These classes are usually very poor and have no money with them with which to buy the commonest comforts of life. The Kolis are known to satisfy their wants by the exchange of fish for the articles they require and similarly of other classes. Thus a system has long been in existence between the Kolis and Várlis whereby the former obtain wood by the exchange of their fish from the latter and *vice versâ*. The removal of wood beyond the village limits being now prohibited, these classes of people are left without resource. Thus the immemorial privileges of certain classes of Her Majesty's subjects are interfered with in order to secure the interests of a privileged few individuals.

9. That the condition 7 requires the licensees to employ labourers and to convey the forest produce to depôts to be there kept within easy reach of purchasers. The practice at present in vogue is to direct the purchasers, the large ones particularly, themselves to remove wood in their own carts from the forests on payment of a certain fee per cart to the licensees. Thus the licensees exact from purchasers the price per cart-load which they are authorized by Government to charge and in addition to the cost of removal and conveyance on the purchasers. The right of selling wood being exclusively vested in the licensees the people are obliged to submit to whatever conditions the licensees impose. On the other hand such people as are willing to serve the licensees as carriers of wood, are subjected to very unequal terms at the caprice of the licensees. Thus they who formerly earned their living by carrying head-loads to the markets have now to be content, in consequence of this system, to exclusion with very small wages compared to what they earned by the same or even less labour formerly. The situation of the depôts is also in many cases inconvenient and purchasers are not always allowed at such as are conveniently placed. The people on repairing to convenient depôts are not unfrequently told to buy from a more distant one, in which case there is an increase in the cost of conveyance. All the different depôts in the same *táluka* ought, your petitioner submits, be accessible to all the inhabitants of the *táluka* at their choice. The practice of allowing the purchasers to cut and remove wood from the forest directly would, it seems to your petitioner, infringe the condition of the license or to sub-letting imposed on the licensees by the condition 13.

10. That the term 'cart-load' has been defined in the deed of license as consisting of 16 head-loads, but the term head-load has not been defined. Consequently the licensees are able to remove whatever quantity of wood they are able to carry in a cart without restriction as to weight. But in the sales to purchasers at the depôts a head-load is understood as weighing two maunds. Thus while the licensees are at liberty to carry wood from the forest without restrictions as to weight, the purchasers are bound by the table of weights put up at the depôts.

11. That the system of license newly introduced thus presses heavily on all classes of people. Those who are well-to-do bear the pressure more easily than others, but the poor ones, *i.e.*, small traders, those who live upon manual labour and the classes which live upon barter as the Kolis and the Várlis, have become absolutely helpless. Wood being as indispensable a commodity as any article of living, an increase in the price of wood and its insufficient supply have, your petitioner submits, greatly added to the troubles of the inhabitants of the *táluka* of Bassein.

12. That your petitioner begs to append herewith a copy of a petition (*vide* Exhibit No. 99) submitted by him to the District Forest Officer of Thána.

13. That in conclusion your petitioner prays that the license granted to the licensees be cancelled or if possible amended, and a more suitable provision of wood be made for the convenience of the people of all classes, particularly the Kolis and Várlis.

And your petitioner as in duty bound will ever pray.

Your petitioner begs to remain, &c.,

LAKSHMAN NARAYAN SADHALE.

6th March 1883.

Exhibit No. 101.

(Referred to at page 111.)

No. 1603 of 1883.

FROM

A. T. SHUTTLEWORTH, ESQUIRE,
Conservator of Forests, Northern Division;

TO

MR. LAKSHMAN NARAYAN SADHALE OF BASSEI

Poona, 10th April 1883.

SIR,

In reply to your petition, dated 6th March 1883, I have the honour to inform you that as I had the pleasure of seeing you personally while I was encamped at Sasunavghar last month and so the questions involved in your petition were discussed by us then and there, no necessity remains for me to furnish you with a detailed reply to your communication.

I have, &c.,

A. T. SHUTTLEWORTH,
Conservator of Forests, Northern Division.

Exhibit No. 102.

(Referred to at page 111.)

No. 2058 of 1883.

Thána Collector's Office,
Bassein, 9th April 1883.

Lakshman Náráyan Sádhale and others, inhabitants of Bassein, are informed in reply to their petition to the undersigned without date, but received on the 7th ultimo, that careful consideration has been given to it and that a lengthy correspondence between the Revenue and Forest Departments having ensued it seems to the Acting Collector that their alleged grievances are not supported by facts. The petition is throughout so vague in its assertions that it is difficult to find what the petitioners desire beyond that they have a general wish to reverse the new arrangements and revert to the old wasteful system. Such proposals as these the Collector cannot for a moment support.

2. The District Forest Officer and the Conservator of Forests, N. D., have, since this petition was received, been personally on a tour throughout the Bassein *táluka*. The petitioners could not have been ignorant of this, and they should have taken the opportunity of meeting the contractors recently given them by the Conservator at Virár. Had they done so they would have shown a readiness to discuss fairly what they allege to be wrong, and having declined to do so, they, to a great extent, put themselves out of court, more especially as the Conservator of Forests is the proper person to whom such complaints as the present should have been made.

3. Facts and personal examination by the District Forest Officer and the Conservator of Forests disprove the assertions that the depôts in Bassein are insufficiently supplied with wood for agricultural purposes and firewood, and loose assertions and anticipations of possibilities in the future afford no ground on which to reform alleged abuses. It is admitted by the Forest Department that the depôt system is not perfect in its working, but in an institution so recently started that can hardly be expected; and the Secretary of the Bassein Sabha would do better service to the society he represents and the public whose interest he professes to watch by allowing the depôt system a fair trial than by inducing a numerous body to sign inaccurate and ill-considered complaints like the present.

T. D. MACKENZIE,
Acting Collector.

Exhibit No. 103.

(Referred to at page 112.)

There are in this *táluka* (Bassein) 29 villages having in the Survey Register *sud* a *shera* *'sarkári rán'*, Government forest, against their lands, and also against other lands of the same villages there is another *shera* *'gávche rán'*, village forest. And in the same way there are in the same villages and also in other villages some lands having *sherás* *'gurcharnikade mophat'*, *&c.*, *'rán rakshan gurcharan'*, *&c.*, and *'khájan.'* The following is a statement

what portion of land under several *sherás* above stated has been taken in Reserved and Protected forests during the recent forest demarcation :—

Serial No.	Name of Village.	*Sarkári rán.*	*Gávche rán.*	Land taken from *gávche rán.*	*Gurcharnikade mophat.*	Land under *gurcharnikade mophat* taken.	Land under *rán rakshan gurcharan.*	Land under *rán rakshan gurcharan.* in acres taken.	Land under *khájan.*	Land under *khájan* taken up.
1	2	3	4	5	6	7	8	9	10	11
		Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
1	Páye	2,084	874	874	422	64	113	113	412	14
2	Sasunavghar	1,582	1,306	1,090	...	...	195	...	540	540
3	Nágale	963	315	315	165	28	...	...	212	16
4	Káman	3,452	1,475	1,310	89	...	...	...	...	...
5	Poman	1,308	510	296	16	...	...	..	...	...
6	Mándavi	19	126	114	20	...	...	...	...	...
7	Shirsád	92	79	61	120	72	...	...	...	...
8	Chándip	339	284	241	91	...	...	...	...	...
9	Shivansai	401	206	114	47	...	...	...	...	...
10	Kanher	298	899	658	36	...	...	...	...	...
11	Bhátáne	3,116	4,001	2,901	113	...	...	...	...	...
12	Sakvár	1,727	1,647	1,187	74	74	...	...	...	...
13	Bhálivli	172	300	250	...	...	...	...	...	...
14	Sáyaván	320	317	306	89	22	...	...	...	...
15	Usgáv	239	386	222	187	...	...	...	...	...
16	Medhe	1,491	1,051	1,051	9	...	142	87	...	...
17	Kalbhon	123	523	522	137	43	...	...	...	...
18	Ghateghar	116	134	120	16	...	...	...	...	...
19	Devdal	58	131	82	23	...	...	...	...	...
20	Páyagáo	333	525	525	60	...	146	112	420	10
21	Kolhi	63	390	353	40	...	...	..	...	...
22	Chinchoti	1,885	865	805	37	18	...	...	...	...
	Total ...	20,081	16,344	13,397	1,791	321	596	312	1,584	580

Explanatory Notes.

1. No column has been shown for the land taken from *sarkári rán* as the whole of it is taken up for forest.

2. Only that portion of 'village forest' land of the two villages, Bhátáne and Sakvár which was taken up for Reserved forest has been shown in the above statement. It is not known whether any land was taken for Protected forest from the village forest of the two villages.

3. Excepting the information for the 22 villages above stated, there is no means to ascertain it for other villages which have the *sherás sarkári rán* and *gávche rán*, and therefore no column has been shown. Following is, therefore, the only information available for the three columns :—

23	Khárbáv	175	285	281	} Figures are not available.					
24	Pelhár	1,536	1,309	1,128						
25	Tilher	1,413	1,460	1,429						
26	Sátivli	741	546	536						
27	Karjon	2,156	1,149	1,005						
28	Májivli	851	507	504						
29	Párol	395	344	275						
	Grand Total ...	27,348	21,944	18,555						

4. By the recent demarcation there is forest for 52 villages in this *táluka*. Although there was no *shera* '*sarkári rán*', still lands from the remaining 23 villages of the *táluka* have been included in Reserved and Protected forests.

Exhibit No. 104.

(Referred to at page 113.)

Extract paragraph 9 from the Sanad, dated 21st December 1832, issued to one Faki Mahomad Aria, inámdár of Poman.

9. You should not prohibit residents of the village and others from bringing wood for household purposes or for sale from the forest of the village according to their custom of past years.

Exhibit No. 105.

(Referred to at page 119.)

List of sherás written against gurcharan and waste lands of villages in the Bassein táluka of the Thána District.

1. *Gurcharnikade mophat thevila áhe.* Set apart for free grazing.

2. *Rán rakshan karun gure mophat chárnyás thevila áhe.* Set apart for cattle to graze free, and for preservation of forest.

3. *Sarkári rán.* Government forest.
4. *Gávche rán.* Village forest.
5. *Gurcharnikade mophat dila áhe.* Set apart for free grazing.
6. *Gurcharnis mophat dila áhe.* Set apart for free grazing.
7. *Gurcharnis mophat.* For free grazing.
8. *Khájan pánthal yánt gure chárávi.* Marsh or boggy land, cattle to be grazed in it.
9. *Binákári dongri.* Unassessed hill land.
10. *Binákári khájan.* Unassessed marsh land.
11. *Rán rakshanákade ráhun gure mophat chárávi.* Cattle to be grazed free, forest being preserved.
12. *Khájanákade ráháva.* To remain as marsh land.
13. *Gure mophat chárávi.* Cattle to be grazed free.
14. *Khájanáchi jága aslyás gure phirnyás ráháva. Varkashi ásel tar gure mophat chárávi.* If marsh land for cattle to go about, but if *varkas*, cattle to graze free.
15. *Khájan.* Marsh land.
16. *Ságván rán rakshanákade ráhun gure mophat chárávi.* Set apart for preservation of teak forest; cattle to be grazed free.
17. *Khájanákade yánt gure mophat phirávi.* Marsh land, cattle to go about free in it.
18. *Dongri gurcharnikade thevili áhe.* The hill has been assigned for grazing.
19. *Khártan gure phirnyás.* Salt land for cattle to go about.
20. *Khájanákade thevila áhe yánt gure phirávi.* Set apart as marsh land, cattle to go about free in it.
21. *Gurcharnikade.* For grazing.
22. *Gurcharnikade thevila áhe.* Set apart for grazing.
23. *Gurcharnikade mophat dila áhe yánt lávni hou naye.* Set apart for free grazing, cultivation should not be allowed in it.
24. *Binákári.* Unassessed.
25. *Vancharái.* Grazing.
26. *Rán rakshanákade.* For preservation of forest.
27. *Shindádikade ruju rán rakshnákade.* For *shindád* (the land from which twigs of trees are cut for burning seed beds). The above entry is cancelled by writing the word "*ruju*" and the following entry seems to have been substituted: "for preservation of forest."

Exhibit No. 106.

(Referred to at page 119.)

List of villages of the Bassein táluka of the Thána District in which the endorsement parigh written in the year 1861-62 was subsequently changed into Imperial and Village forest.

No.	Name.	No.	Name.	No.	Name.
1	Páye.	12	Páyagáv.	23	Tilher.
2	Khárbáv.	13	Sasunavghar.	24	Sáyaván.
3	Nágle.	14	Káman.	25	Karjon.
4	Poman.	*15	Silotar.	26	Kalbhon.
5	Sátivli.	16	Rájávli.	27	Sakvár.
6	Kolhi.	17	Chinchoti.	28	Pelhár.
7	Devdal.	18	Kaner.	29	Párol.
8	Sirsád.	*19	Sirgáv.	30	Ghotghar.
*9	Chandansár.	*20	Gokhivre.	31	Medhe.
10	Usgáv.	21	Sivansai.	32	Bhátáne.
11	Chándip.	22	Mándvi.	33	Bhálivli.

A. G. KOTVAL,
Mámlatdár.

Bassein, dated 9th April 1886.

* The *Mámlatdár* in his Vernacular No. 956 of 1885-86 writes that no *parigh* area was set apart in the villages marked with the asterisk.

Exhibit No. 107.

(Referred to at page 122.)

Vide Exhibit No. 40.

ORAL EVIDENCE.

PART II—KOLÁBA.

B 1417—48 o

WITNESS No. 1—(ALIBA'G *Táluka*).

7th April 1886.

PA'NDU BA'BA'JI, a Máli, cultivator, aged 55, residing at Belkade, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am the *vatandár pátil* of Belkade and hold seven acres of rice land and about three acres of *varkas*. There is some bush jungle in Belkade, which cannot yield a sufficient supply of *ráb*. We used to bring our *táhál* (loppings) from the forest of Dhavar, which is about half a mile distant from my village. There are no *ráb* trees in my *varkas* land. It contains some mango, *bhend* and *karanj* trees. For the last five or seven years we have been prevented from taking *táhál* from the Dhavar forest. Before this we always got our *táhál* from that forest, and the inhabitants of Dhavar never objected to our doing so. We got our fuel-supply and wood for agricultural purposes from the forest of Bhersi, Mahán, Beloshi, Mahájane and Bámangaon. We have been stopped lately from removing the fuel. Seven or eight other villages also resort to these jungles. The inhabitants of the forest villages did not object to our making use of their forest. Since the *táhál*-supply was cut off from us, we have been using *kuta* or small dry fish for *ráb*. Six head-loads of *kuta* are required for one maund of seed, but owing to its being expensive, we use only two head-loads per maund and the result is poor seedlings and inferior crop. The price of *kuta* is Rs. 3 per head-load. One maund and a half to two maunds of seed are required for one acre of rice field. When we got *táhál*, we never used *kuta* for *ráb*, because we got the former by personal labour, while the latter required money. *Táhál* is superior to *kuta* as *ráb* material. When *táhál* was available, *kuta* was very cheap, because there was no great demand for it. It could be had then at the rate of one rupee per head-load. When *táhál* was used for *ráb* the yield of rice crop was from one candy and a half to two candies, but the *kuta ráb* has reduced the yield to one candy or three-fourths of a candy. If the rice fields are sublet they generally fetch to the landlord about one candy of rice as rent per acre. Eight years ago, I got on an average about twelve or fourteen candies of paddy from my rice land. It now yields six or seven candies only. We now use the wood of *karanj*, *bor* and *bhend* for the several parts of the plough, but as the wood is not suitable, it often gives way, and the agricultural work is stopped for days at a time. This is a serious hindrance. The only kinds of timber suitable for ploughs are teak, *khair* and *koshimb*. Teak poles are invariably required for *rumne* or stilt. Either teak or *dhámaṇ* does well for the *isád* or beam. The yoke is made either of teak or *nána*. For one working plough we kept three sets of spare materials to prevent field work being stopped on account of any part of the plough breaking suddenly. The wood for a complete plough costs about Rs. 1-4-0 at the private depôts. Since the yield of the rice land was reduced nearly the whole of the produce has gone in the way of rent, and the cultivators have to incur debts every year. The result has been that the *sávkárs* have deprived the cultivators even of their houses. Since the removal of fuel from the forests was stopped, the people have been using the wood in their *málki* numbers. Some have thus cleared away all the wood they had; others would do so in the course of the next two or three years. I estimate that four cart-loads or six candies of fuel are required per head of population every year. The cultivators are scantily clothed and they require more fuel. Many families are now suffering in consequence of the short supply of fuel. Those who cannot get any wood from their lands get it from the village forest, which is watched by a forest peon. Sometimes the peon interferes with the people removing the wood. There is not sufficient pasturage in our village for our cattle, so we formerly used to send them to the villages of Kharoshi, Bhersi, Beloshi and such forest villages; but latterly the forest guards do not allow them to graze in those villages. This has reduced the number of cattle in the village. Where a rayat kept five cattle before, he now keeps one or two. Eight years ago I had twenty head of cattle, while I have now only ten. About twenty-five of the Alibág villages contain forests. I estimate that the cost of cultivation of one acre of rice field has increased by Rs. 44-12-0 and Rs. 35-12-0 respectively, according to the inferior or superior quality of the land. Fifty head-loads of *táhál* would be required to burn the seed-beds for one acre of inferior rice land. It would employ a man for one month to bring these head-loads from the jungle. Taking the cost of labour at three annas per day, the *táhál* would cost Rs. 5-10. This amount ought to be deducted from the increase shown above. Virtually, however, the rayat is not profited by the saving, as he cannot get employment elsewhere. The condition of the cultivators has become much worse within the last five or seven years. The outturn of the fields has been reduced, and the rayats have therefore to resort more and more to the *sávkárs*.

By the Commission,

The three acres of *varkas* that I hold was allotted to me at the Survey. All the *varkas* that was in my *vahivát* before the Survey was measured and entered in my name. I did not sell my wood from my *varkas* land, but I used it for fuel. I cultivate my own land.

My family consists of ten members, six of whom, three males and three females, work in the field, and one boy tends the cattle.

The grass grown in the *varkas* field is used for *ráb* and as food for cattle. Whenever I cut *bhend* or *karanj* trees I use the loppings for *ráb*. I have not planted any *ráb* trees in my land, as I could not procure the seeds. We obained *táhál* from wherever we could get it in the forest of Dhavar. We had no individual *vahivát* in it. Last year some teak trees were felled by the Forest Department in the lands of Dhavar. The side branches were sold by auction, and the fuel was bought by people from three or four villages. The *táhál* was not removed by anybody. I do not know whether any one asked for it. The area of the village grazing ground is about 150 acres. It has some *ráb* bushes, but the forest guard does not allow them to be removed. I am not aware that under the sanctioned settlement we are allowed to cut *ukshi, dháyati* and such bushes even from the Reserved forests. I am not aware of any convictions for removal of forest material against orders. The whole of the *ráb* material available from the grazing ground of my village would not suffice for *ráb* of five to ten maunds. The soil is stony and is therefore not suitable for the growth of trees. The total *kharif* cultivation of the village is about 150 acres, and the allotted *varkas* is about 75 acres. *Kuta* was used in former times for *ráb* to a limited extent. I have to prepare seedlings of ten or eleven maunds. The cowdung of my cattle is sufficient to burn the seed-beds of two maunds. During the rains we store cowdung in pits. We do not mix any litter with it. When I had more cattle I used to get cowdung for only four maunds of *ráb*. For the rest I used *táhál*. I did not buy any *kuta*. I ascribe the impoverished condition of the cultivators to the forest restrictions. I cannot think of any other cause. The number of cattle has been reduced on account of the difficulties of grazing. They may have been reduced to some extent on account of epidemics. They cannot be replaced so easily as before, as the price of cattle has gone up very high. We do not grow any grain crops in the *varkas* lands. The cultivators of four or five villages removed *táhál* from the Dhavar forest. The total number of cattle in the village is about 125. The area of free grazing land allotted to them is not sufficient. Formerly we got the materials for cow-sheds and stacks free from the Government forest, but since the imposition of restrictions we have been using any wood available from our own fields or buying it. Fifteen years ago fuel was allowed to be removed free. Subsequently a fee of four annas per cart was imposed. This fee was raised—first to eight annas, and then to one rupee. I believe that is the present rate. The population of my village has increased lately, but the extent of cultivation remains the same. I do not consider that the poverty of my village can be attributed in any way to the increase of population, because if there are more people they can work more in the fields or get land in neighbouring villages. There is no waste land available, but they have to bid higher for securing the land under cultivation.

Witness No. 2—(Aliba'g *Táluka*).

8th April 1886.

Tulya bin Dhondya, a Kátkari, labourer, aged 40, residing at Kamárle, stated in reply to questions

By the Secretary, Kolába Forest Association,

There are six Kátkari families in Kamárle, and a few more in the surrounding villages. None of them hold land or own cattle. We cultivated some *varkas* land last year with pickaxes. *Dalhi* was allowed to us by Government for the first time after a closure of several years. Formerly we were allowed to cultivate ten *pánds* of *varkas* free of assessment per head. Each man was allowed to cultivate one *bigha* or 20 *pánds* of *varkas*. He paid two annas as rent for 10 *pánds* and enjoyed the rest free. We occasionally cultivate *málki varkas* lands. Last year Government levied four annas per *bigha* from us. Some of us were fined eight annas each for cultivating without permission. The forest guards orally communicated to us that we were allowed to sow grain but this permission was not held sufficient. We have always lived by the collection and sale of forest produce. Lately, that is, within the last five years, we have been stopped from fetching fuel, &c., from the jungle. *Karvand* berries, mangoes, *palas, apta* and *tembhurni* leaves and honey have all been farmed and the farmer's servants object to our removing them from the forest. *Hirda* nuts and *shikekái* pods are also farmed. Eight years ago these articles were not farmed and we could obtain them without let or hindrance. Up till three years ago we removed fuel by head-loads from the forests and sold it in the Kharepát villages. We are not now allowed to remove it. If we happen to meet the forest peon when removing the fuel, he takes away our billhooks and does not give them back to us till we pay him something. We find employment about the sowing and harvest times, but even then the wages are very low, *i.e.*, one anna and a half to two annas. At other times we are without employment; and then we barely subsist by catching fish, crabs, &c., or by fetching forest produce for sale. We are very scantily clothed, and we therefore require more fuel to keep fire all night in our houses. We do not find employment on Government fellings. As Mhárs, A'gris, &c. flock to the work we get no chance. The rate of wages allowed by Government for, such cuttings is three annas per diem. When the forest produce was available to us, we were not so hard up for living as now. Petty thefts of agricultural produce have become more frequent lately because some Kátkaris who cannot earn their living by honest means resort to thieving and they are punished for it. We do not drink liquor now as before, as we have no money wherewith to buy it.

By the Commission,

We find employment under the farmers of wild produce whenever they have to collect such articles as *shikekái* pods. It takes three days to collect, dry up, and fetch a head-load of *shikekái* pods. The farmer pays us three annas for it. If the same were sold in the bazar, it would fetch from four to six annas. We can collect four to six annas worth of *ápta* leaves in a day. They have to be arranged and taken to the farmer, which takes us two days more to do it. Thus in three days we can make four to six annas, but if the same were sold in the open market, they would fetch seven annas. The *ápta* leaves are, however, limited in quantity, and we cannot employ ourselves on the work for any length of time. If the forest guard catches us removing fuel from the jungle, he levies a fee of one anna per head-load, which, if sold in the bazar, fetches about two annas. We can get only one head-load in a day. The jungle is half a *kos* off from our habitations. We fetch the head-loads from the jungle and our women take them to the neighbouring markets for sale, we remaining at home to take care of the children. The extraction of honey employs the Kátkaris for about three or four days in the month of May. We have to pay one anna to the farmer for the *palas* leaves used for each *virla* or hood-shaped umbrella. We pay one anna for each basket (half maund) of green mangoes to the farmer, and sell it for three annas. We can fetch a basketful of mangoes in a day. Whenever there is a good mango crop, we find employment on this work for one to two months. For each basket of *karvand* berries we have to pay half an anna to the farmer. We barter them for grain and husk. We sell fowls. Each family makes about Rs. 2 a year by selling fowls.

WITNESS No. 3—(ALIBÁG *Táluka*).

8th April 1886.

BA'LYA VALAD KRISHNA, a Mhár, menial servant, aged 50, residing at Kamárle, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am the *vatandár* Mhár of Kamárle. There are about twenty-five Mhár houses in my village. I do not hold any land, but cultivate a small piece of rice land belonging to another person. I mostly live by labour. Up to five years ago I cultivated some hill land in Ságargad Ghera, and grew *náchni* and other hill grains. I have raised these hill crops from the A'ngarya's time, but lately the forest guards have prevented me from cultivating. We are also stopped from fetching firewood from the jungle for sale. We fetched the wood from the forest one day, and took it to Alibág or some other market for sale the next day. A head-load brought us about two annas. The forest officers now demand a fee of one anna or six pies, which we cannot afford to pay. If we refuse to pay, the guard takes away our billhooks. About six months ago my own billhook was snatched away from me. I got it back by paying two annas to the peon. I do not know the peon's name. He was a Marátha by caste. He has since been transferred. Four or five years ago my daughter-in-law and two others were fined one rupee each for cutting three head-loads of *karvand*, *ukshi* and *kuda* bushes for fuel from the Ságargad forest. On an average we live by the produce of our fields for about four months. We find employment at the harvest and sowing times for nearly two months, and for the rest of the time we have to live by fetching forest produce from the jungle. If any Government felling takes place, the Kunbis generally find employment on it. As we are stopped from cultivating on the hills and removing the firewood, we find it hard to maintain ourselves all the year round. Government assigned some lands to the cultivators and locked up the others for forest; and thus we have no lands left whereon we can grow *náchni*. There are about 500 families of Mhárs in the *táluka*. None of them hold lands. Those who had any, have lost them on account of their indebtedness. They have to subsist by labour in the same way as I have to do.

By the Commission,

I hold no *vatan* land, but get the *baluta* from the rayats.

WITNESS No. 4—(ALIBÁG *Táluka*).

8th April 1886.

TUKA'RA'M DHARMÁJI MOKAL, an A'gri, cultivator, aged 45, residing at Hasvira, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am an elected member of the Táluka Local Board and officiating revenue and police *pátil* of Hasvira. I hold 125 acres of rice land, salt and sweet, and twelve acres of *varkas* in five or six villages. I pay annually Rs. 518 as assessment. The village of

Vaijáli is a forest village. I have ten acres of rice and five acres of *varkas* in that village. My *varkas* land contains no trees of any kind, except some ten *karanj* trees. It is a pasture land and my cattle graze in it. I have to prepare seedlings of about twelve maunds. The cowdung of ten cattle, which I keep, suffices for about two maunds, and for the rest I manure the seed-beds by allowing the sheep to be folded on them. I have been raising my seedlings in this way for the last ten years. For manuring a seed-bed of one maund I have to give two maunds of rice, or Rs. 6, to the owner of the sheep. I have to spend thus about Rs. 60 every year for manuring the seed-beds. The other cultivators in the village do the same. In former days when we got *táhál* free, the sheep were penned on rice-fields, but now that the sheep manure has all to be used for *rán* beds, the other fields are left unmanured. This has had a prejudicial effect on the outturn, which is less now than before by about twenty-five per cent. We obtained loppings from *ukshi, dháyati, bhárang, káłakuda*, &c., ten or twelve years ago. We are now prevented by the forest officials from taking the loppings. I am not aware of any orders or notifications having been communicated to the village regarding the concessions made by Government in the matter of allowing certain *rán* materials from Government forests. Survey numbers 79 and 42 were included at first in the forest. Number 42 was disforested last year, and number 79 retained as Government forest. I heard two or three years ago that certain concessions were made in the matter of cutting ten kinds of shrubs for *rán*, but I did not receive any official order on the subject. I made no attempt to get the restriction placed by the forest guard removed. The people in the village said that the forest guard prevented them from removing the shrubs. I never had any communication with the forest guard on the subject. The people of Hasvira and Vaijáli resorted to the forest of Sáral for *táhál*. The cultivators of five or six other villages also removed *táhál* from the same jungle. Sáral people never objected to this *vahivát* on the part of the other villages. About twenty years ago we got suitable wood such as teak, *khair*, &c., for ploughs from the Government forests free of charge. Since the withdrawal of this privilege we have been using inferior wood such as *bhend* and *karanj* for the purpose. We have to keep spare wood on hand as the ploughs give way oftener on account of the inferiority of the material used. The *karanj* is very largely planted in *varkas* lands and in compounds. I hold about 100 acres of salt land. Wood and teak leaves are required for platforms on which the *ute* seedlings are raised before sowing them broadcast. On account of the difficulty experienced in getting the wood for platforms, the seedlings are now sometimes raised on dry ground near the village site, but they are partially damaged by fowls and in removing them to the field. After the organisation of the Forest Department we got permission for some time to cut the fuel required for domestic consumption without paying any fee from the forest of Sáral. I produce an order for perusal by the forest inspector, dated 22nd August 1873, granting such permission to all the inhabitants of Hasvira. All the villages in Khárepát had a similar *vahivát* of bringing their fuel from neighbouring forests.

By the Commission,

I have been officiating *pátil* for the last five or six years. There are no teak or *khair* trees in Vaijáli. I do not sell any grass from my *varkas*. There is no grass exported to Bombay from my village. We do not get any *kuta* or dry small fish to be used as manure. We ask for free firewood, materials for cattle-shed and *rán*, wood for ploughs and *ute* platforms. We have not yet asked for wood for building purposes, but we intend to do so hereafter for the poor people. Khárepát includes all the villages from Revas to Sámbre and to the east of Ságargad.

9th April 1886.

I have seen the paper shown to me. It bears my signature. It purports to be a memorandum, dated 19th February 1885, signed by all the villagers of Hasvira, including myself, acknowledging that we understood the orders contained in the circular of 14th July 1883. This is a circular intimating the privileges granted by Government in the forests of Alibág. I cannot remember to have signed this paper. The signature below the memorandum intimating that all the villagers were informed of the order is also mine. I did not remember this yesterday when I said no official intimation was received by me.

WITNESS NO. 5—(ALIBA'G *Táluka*).

9th April 1886.

SA'HEB KHA'N VALAD MOGHALKHA'N JAMA'DA'R, a Musalmán, wood-dealer, aged 52, residing at Alibág, stated in reply to questions

By the Secretary, Kolába Forest Association,

I hold some thirty-five acres of *kharif* and sixty-five acres of *varkas* lands in Mahán, Chávre, Tadvágle and Chari. They are assessed at Rs. 200. The *varkas* lands are situated mostly in Mahán and Chávre. I let all my lands to the rayats. The village of Mahán has an extensive forest area. My *varkas* lands contain a few trees, and they cannot yield sufficient

ráb material for my rice lands. My tenants obtain their *táhál* from the Government jungle. They complain that they cannot get *táhál* from the forests, and on that plea sometimes refuse to pay the rent. Fifteen years ago the *sutidárs* were allowed to remove firewood gratis. They obtained certificates from the *taláti* and handed them to me. I cut the firewood in the jungle for them and removed it free of charge by presenting the certificates to the forest officers, and distributed the wood among the *sutidárs* at a reasonable rate, that is, at what was sufficient to cover the cost of bringing the material from the forest and a moderate profit for my trouble. A fee of eight annas per cart was then levied for all firewood removed for local consumption. Contracts were at the same time given to some Deccan contractors, who cut and removed the wood to Bombay for sale. The contractors paid to Government on tonnage at the rate of 12 annas per candy. I think these contracts worked for two years, but the system was discontinued as it led to serious frauds. Two years ago the pass fee on firewood for local consumption was raised to one rupee per cart. This year the contracts have been renewed in all the *tálukás* and certain blocks of *injáili* forest are marked off for felling and the contractors are allowed to remove all the available materials from such blocks within a given time and pay for them at the rate of 8 annas per *kaul* candy. Some wood fit for building purposes is thus being felled and removed as firewood, under the conditions of the contract. I cannot say what the proportion of such wood is. It may possibly be one-half. This would reduce the supply of building timber for local use and cause difficulty hereafter. The jungles of Mahán and Chávre have been under my observation for the last twenty-five years. They are not so thick now as before. This is principally due to the felling allowed to be made by Government from time to time. All minor forest produce is farmed every year in this district. Last year I and another partner took the farm for Rs. 1,295 for the whole district. The farm did not include the right of collecting *shikekái* pods and *hirda* nuts. They were sold separately. I am not aware whether any condition was inserted in the contract binding the contractor to respect the privileges granted to the villagers as regards the collection of minor forest produce. The range forest officers sell dead wood whenever they notice it in their rounds. Four or five years ago the creepers in the forest of Alibág were sold as firewood for Rs. 20. When the minor forest produce was not farmed it was generally collected by Kátkaris, Thákurs, Mhárs and such people. The farmers obtain the articles from the same people, but they have to part with them for less money, as the farmers have also to make their profits and the amount to be paid to Government. I know survey No. 119 in the village of Rámráj. I do not know whether it has been set apart at the Survey for free grazing. I do not know what rights have been found to exist in this number by the Forest Settlement Officer, nor am I aware that the right of grazing in this number has been interfered with. I know it is customary for the cattle of Moránde, Umte and Rájevádi to graze in this number of Rámráj.

By the Commission,

I have held my *varkas* lands in Chávre for twenty-seven years, the rest is ancestral. I cut and sold from twenty to twenty-five mango trees out of my *varkas* in Chávre about 15 years ago. I never cut and sold the other trees from my lands at any time. I cut now and then what I require for repairing and renewing my house and cattle-sheds. My tenants never complained because I cut the trees from my lands. I obtained the *varkas* land in Chávre from one Ganesh Bhagvant. I hold no *kharif* with this *varkas*. I do not know for certain whether Ganesh had any *kharif*. I bought the land because it was useful to me to grow *náchni* and also to make money out of the mango trees. About four or five years ago I took a contract for one year to collect all dead wood from the Alibág forests and remove it to Bombay on payment of a fee of eight annas per *kaul* candy. I said there was a condition binding the contractors of the current year to cut into *kita* pieces all logs of wood which may be fit for timber. I gathered this from the way in which the contractors cut the timber into pieces. I do not know if there is any special clause in the contract to cut all wood into *kita* pieces.

When I said the forest now is not so thick as before, I meant that the big trees have been cleared. Of course, young trees are growing up in their place.

I had about fifty mango trees in my *varkas* land at Chávre. Of these I cut twenty-five, and there are now twenty-five trees remaining. There are about 300 teak trees and four or five other kinds of trees. I supplied the *sutidárs* with firewood from the Government forest of Mahán. When the firewood was allowed to be removed free, about eight villages resorted to it for the same. The most distant village, Thal, which took its firewood, is about sixteen miles from Mahán. The people of Mahán never objected. There are some 90 houses in Mahán and in its hamlet. The inhabitants of the *bágáit* villages are dependent for their building timber on the forests of Beloshi, Mahájane, Umte, Moránde and Mahán.

Government now fell the teak from these forests and sell by retail and wholesale auctions. There are depôts established at Moránde, Bámangaon, Pavele and Gotheghar, where wood fit for building is sold at fixed prices.

12th April 1886.

This year mangoes and *karvand* berries were not included in the list of minor produce, the right to collect which was put up to auction. Only *shembi* bark and *tembhurni* and *ápta* leaves were sold.

Witness No. 6—(Alibág *Táluka.*)

10th April 1886.

Máhádev Shridhar Kámat, a Shenvi, cultivator and money-lender, aged 38, residing at Alibág, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am an elected member of the Táluka Local Board. I hold 554 acres of sweet rice land, 430 acres of *varkas*, 138 acres of salt batty land, and 18 acres of garden, assessed in all at Rs. 4,735. This land is situated in thirty-eight different villages of this *táluka*. Of these sixteen are forest villages, with large forest in Talavli, Ságaon, Povele, Ningade, Dhavar, Kárle, Shrigaon and Ghera Ságargad. Of the sweet rice land I cultivate in person about thirty-five acres in the villages of Povele, Kárle and Ningade. In Kárle I hold 109 acres of rice and 137 acres of *varkas* land in all. As a rule all the *shindád* lands in the *vahivát* of the people were measured off and entered in the names of individuals at the time of the Survey. My father has informed me that no reservations with regard to trees in *varkas* lands were announced or made known to the people at the time of the Survey. My *varkas* in Kárle does not yield sufficient *táhál* for my rice cultivation in that village. The same is the case also with the other rayats' *varkas* lands. The deficiency has hitherto been made up by drawing upon the Government forest in survey No. 90, which was set aside at the Survey for free grazing (*Ságáche rakshan, gure mophat chárávi; konás lágvad mophat karu deu naye*), subject to the preservation of the teak growth; no cultivation was to be permitted free in this area. This number was proclaimed a Reserved forest in 1879. There is no other land in the village set apart for free grazing. Survey No. 90 has many *karand* bushes. It also contains a few trees of *ain, kinjal* and *khair*. I do not think *karand* is one of the ten bushes mentioned in the circular as allowed to be cut free for *ráb*. I understood by the term *kárinda* the creeper called *kárinda*. I do not think *karvanda* comes under the general term 'shrubs of no value,' because a fee of Re. 1 per cart-load is levied on thorns for fencing, and this shrub is used for fencing. Of the varieties mentioned in the circular *ukshi, kuda, kálakuda, kevani* and *torni* are found in this number. *Phángal* and *bokháda* are not to be found. I do not know what the others are. *Dháyati* grows to some extent. I do not know of any other shrubs growing in the number. If we are allowed to cut *karvanda* then we would get sufficient *ráb* material from survey No. 90 for the rice cultivation of the village. Last year a servant of mine named Dhondu Pándu was prevented by the forest guard from cutting *karvanda* bushes for *ráb*. I believe other people have similarly been prevented. The prohibition against cutting *karvanda* bushes for *ráb* still exists. Notwithstanding the prohibition we managed to get *karvanda*. The people of about ten villages in the neighbourhood obtain their *ráb* materials from the forest of Kárle. The people of Kárle never object to this *vahivát* of other villagers. The inhabitants of non-forest villages resort to such forests as may be convenient to them for *ráb* materials, and the people of forest villages do not object to other people using their forests in this way. I think that the concessions granted to the forest villages should be extended to the non-forest villages which used to obtain their supplies from the forests. In places where *jámba, dhávda, nána, koshimb, ain,* &c., exist, the loppings of such trees are used for *ráb* in preference to the smaller bushes, and the thorny bushes are only used for fencing. The loppings of large trees and branches of *karvanda* bushes are considered as superior *ráb* materials to *ukshi* and other bushes. Cowdung *ráb* is considered the best. Next to that is *táhál*. Seed beds enriched with *kuta* and sheep droppings do not produce good seedlings because the weeds choke up their growth. All the cowdung available is used for *ráb*. I keep about seventy-five head of cattle. Eight years ago I kept treble the number. The cattle have decreased everywhere in the *táluka* lately. This is due to difficulties of grazing, and also to epidemics. Where the fellings take place, cattle are prevented from going. The grazing of survey No. 90 in Kárle has never been sold by auction by the Forest Department. Survey Nos. 75, 76 and 77, known as Rán Dharan in the village of Mán were set apart at the Survey for free grazing with the endorsement *ságâche rakshan karun gure mophat chárávi* (cattle to be grazed free, preserving the teak). These numbers have since been declared Reserved forest, and the grass therein has been sold by auction this year. The whole of the numbers have not been sold, but the portions enclosed by a fence have thus been sold. Trees are being planted there these two years. The enclosed portion is about one-third of the whole area. When I had 200 cattle I used to send them to graze in the lands of any village I liked in the *táluka*. This was also general custom. We are now prevented from doing so, and this has been the principal cause of the decrease of cattle. The quantity of cowdung has also fallen off, and the demand for *táhál* has increased in proportion. Grass from *málki* numbers is sold for export only in five or six villages situated in the north of the *táluka* such as Revas, Shrigáon, &c., and then only the surplus grass is sold. I never cut for sale any wood from my *varkas* lands. Government once allowed certain persons to remove some teak from my *varkas* lands in Ságaon, Nigde, and Rále. My father had filed a suit against Government for the same. We were allowed to cut teak from our numbers in Kárle as it was held that the contract to sell the teak to my father was held to be binding. In other cases, my father did not succeed in getting either the wood or damages. I have not noticed the occupants of *varkas* lands in any of the

thirty-eight villages, where I hold lands, selling *injáili* wood from their numbers. I buy whatever wood is required for my agricultural implements, but other rayats get it from the forests. I have about five hundred tenants under me. They obtain their ploughs and other wood for agricultural implements from Government forests. All the people of the *táluka* get their fuel by cutting green wood in Government forests. I get my supply from my garden lands and other fields. Up to 1874 people were allowed firewood gratis. By Government orders (*vide* notification, dated the 19th April 1874, under the signature of the Assistant Conservator of Forest, Kolába—*vide* Exhibit No. 1), a fee was imposed on all fuel removed from the forests. The rates of fee were four annas per cart, one anna per bullock-load, and three pies per head-load; but only those who could afford to pay the fees, obeyed this order; others managed to get their supply free somehow. The number of those who get their supply free exceeds those who obtain it by paying the fees. For garden cultivation wood is necessary for well *rahâts*, fencing materials and *kárvi* to train the betel-vines on. I have heard from my elders that up to 1845 the cultivators were allowed wood free for well building and *rahát*. I produce a *tákid* for perusal dated the 13th October 1845, in proof of this. Between 1845 and 1875, this wood was supplied on payment of certain moderate fees. Since the institution of the contract system the rayats have to obtain their wood at a much higher rate. Where a piece of wood cost a rupee or a rupee and a half before, it now cannot be had for less than Rs. 10, though Government part with it to the contractor for about the same price. We cannot also get suitable wood whenever we want. All the wood is exported. Large and old trees have mostly been cleared. This has caused inconvenience to the local inhabitants, and there is fear that in future inconvenience will be experienced. If a person wants a few trees, he has no means of getting them, but if he chooses to take a contract for a lac, he can. I do not think one can get a lac to cut now. The present inconvenience is caused by the contract system. The best wood is taken by the contractors and inferior wood is provided for petty auctions for local supply. I do not know what the final forest settlement of the *táluka* has been. I know that here and there some lands have been disforested, but this will not in any way benefit the people, if these lands are of no use to the people for grazing or other agricultural purposes. The land disforested in Pedámbe has neither forest nor grass.

12th April 1886.

Having had my attention called to the area, about seven thousand acres, which has been recently disforested in the Alibág *táluka*, under Mr. Sinclair's revised demarcation, I think that it will afford relief to some extent. If the *status quo ante* 1874 were restored the people would be completely satisfied.

By the Commission,

Since the Survey not more than one per cent. of the *varkas* has been converted into rice. There has been no appreciable increase or decrease of cultivation since the Survey. The population has increased. The *varkas* land in individual *vahivát* has all along been insufficient for *ráb*, both before and after the Survey, without recourse to common waste lands of the villages. I do not think the rayats are more dependent now on the common lands for their *rab* supply than before the Survey, or that the occupied *varkas* lands have less tree-growth than formerly. Provided the people got what they used to get before, it does not matter to us what area is included in the forest. Formerly we got firewood and *táhál* free. Teak and other timber for building and agricultural purposes were obtainable at cheap prices. Building materials were allowed free to the poor people. We were allowed unlimited free grazing for cattle, thorns for fencing free of charge and free minor produce such as *karvand*, mangoes, honey, &c.; a right to cultivate *dalhi* partly free of rent and partly at special rates was also allowed to the poor people. The total *kharif* area of Kárle is 252 acres, and 250 acres *varkas*. The area of *gurcharan* is 575. Of this about 175 acres have been disforested under the revised demarcation.

WITNESS NO. 7—(ALIBÁG *Táluka*).

17th April 1886.

PA'NDURANG RA'GHOBA VASAIKAR, a Khatri, cultivator and money-lender, aged 57, residing at Revadanda, stated in reply to questions

By the Secretary, Kolába Forest Association,

I hold five acres of garden land in two *vádis* and manage six other gardens aggregating thirty acres belonging to others. I hold other lands also. I pay Rs. 550 as assessment to Government. There are forty *rahâts* or Persian wheels in all the gardens under my management. I require per acre seven or eight carts of *karvand* thorns for fencing. These thorns are fetched by Kunbis from the jungles of Beloshi, Mahán and Mahájane. They are bought by me at the rate of Rs. 1-8-0 to Rs. 1-12-0 per cart. The rate of fee paid to Government is Re. 1 per cart. This fee was ordered to be levied three or four years ago. For two years previous to this, only four annas were levied for each cart and before that nothing was levied. The cost of a cart-load exclusive of the fee is 12 annas. The gardens

whose owners were too poor to put up fencing have been destroyed. Those who can afford to fence their gardens well are few in number. A *rahát* costs from Rs. 75 to Rs. 90 to put up according to the rate charged by the contractor for the wood. Up to 1846 we got wood for *raháts*, wells, and house-building free from the jungles. When the material could be obtained free, a *rahát* cost Rs. 20. When fees were first levied, they amounted on one *rahát* to about Rs. 10, and even this fee was partially remitted in the case of the poorer cultivators. Eight or ten years ago, the fee system was stopped and we have now to buy in the markets and throw ourselves up at the mercy of the traders. Where there are no built water channels, two *raháts* are necessary for one acre of garden, but where the acqueducts are built of chunam, one *rahát* is sufficient. When wood could be had free the cost of bringing the wood necessary for wood frames to be fixed at the bottom of wells was Rs. 15. It will now cost about Rs. 250. The cost of building a well is about Rs. 600. The rent of first class garden is about Rs. 75 per acre, second class ones are let for Rs. 40 an acre and the inferior gardens are let for Rs. 10 to Rs. 20 per acre per annum. The cost of cultivation of one acre of first class garden land is as follows :—

	Rs.
Expenditure by the tenant—	
Rent	75
Feed of two head of cattle	30
Fence	12
Cost of living	25
Manure	10
	152

The gross produce per acre is Rs. 150. The landlord has also to meet certain charges. The details are as follow :—

			Rs.
Rent received			75
Deduct—			
Assessment	13		
Share of initial cost and annual repairs to *raháts* ...	20		33
			42

The selling price of such a garden would be about Rs. 1,000 per acre. The Abkári restrictions have reduced the income of the garden owners. What I have stated above applies to all the gardens in the eight villages of Ashtágar. The garden owners should be allowed material free for *raháts* and fencing. The coast lands of Revadanda, Nágaon and A'kshi which were used by the cattle of four villages, namely, Revadanda, Nágaon, A'kshi and Chaul, and which have now been included in the reserved forest, should be restored for the use of the villagers as before. Cattle from some parts of Chaul which border on Revadanda came to the grazing ground above referred to, as the hill ground of Chaul is too far off for them to make use of. The total number of cattle in Revadanda, Nágaon and A'kshi is 3,200. The total area of the coast lands within the limits of the three villages is about 400 acres. Of this 180 acres have been given out for cultivation, 112 acres reserved and about the same area has been disforested and made available for grazing. These lands have all along been used for grazing and people have built wells specially for the use of cattle. Some of the gardens are left unwatered for want of *raháts* which the owners cannot afford to put up, as the cost is so prohibitive.

By the Commission,

I can give no instances in which gardens have been sold at a thousand rupees per acre. I know no garden lands having been relinquished because of difficulties in getting materials for *raháts*. The fences of gardens have to be renewed every year. We do not use living fences. It has not been the practice to grow such fences in this part.

WITNESS NO. 8—(PEN *Táluka*).

12th April 1886.

MÁHÁDU BIN ARJUN SHELA'R, a Marátha, cultivator, aged 40, residing at Shiravli, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am not a registered holder, but cultivate land owned by other people. Last year I cultivated the rice land of one Mahádev Tilak of Ránsai. It was one acre and a half in extent. There was no *varkas* appended to it. I do not possess any cattle. I had cattle five years ago, but they either died or were sold for my living. This year I have agreed to cultivate two pieces belonging to other holders. Tilak ousted me from his land, as I could not pay the full rent. The rent agreed was sixteen maunds and a half of paddy, but I could give him only seven maunds and a half. This year I have taken up for cultivation another field of one acre and three quarters. There is no *varkas* attached to it. Last year

I burnt seed-beds of two maunds and a quarter with *táhál*. The *táhál* was obtained from the waste land of the village which has always been used by the rayats for *ráb*. The *táhál* consisted of loppings of *dhávda, bonda, ain, phángli, ukshi,* &c., teak being excepted. The forest guard objects to our removing the *táhál* but connives at our doing so when we square with him. We subscribe from one to one and a half rupee among ourselves and give the sum to him to buy his silence for two months of the *ráb* season. We have also to pay him when we collect firewood before the rains and occasionally when the guard is changed. We have to do the same thing in August or September when we re-stock our fuel-supply. This year some billhooks were confiscated for cutting wood out of the *málki* numbers. The forest guard, named Bhaya, did this, as we did not pay him anything. The billhooks are now with the *faujdár*. We have been troubled in this way for the last six or seven years. We bring *koshimb, dháman,* teak and *shivan* wood from the forests for our ploughs. We cannot help bringing it. Tilak's field which I cultivated last year, produced twenty-three maunds of paddy. Out of this I had to give three maunds on account of the hire of a bullock. I had agreed to give five maunds for the use of the bullock, but I only gave three. I had to give two maunds and a half in return for the seed. Towards the end of *Vaishákh* I had received six maunds of paddy from the *sávkár*—Dola Márvádi of Shiravli. I had to furnish security for this advance. I repaid this out of the last year's harvest with fifty per cent. more as interest. This barely left me the means to support myself and a family of five members. We live mostly by labour and by fetching firewood for sale. I have still to pay the balance of rent hire of the bullock, and the usual cent. per cent. increment on the seed. A head-load of firewood fetches from nine to twelve pies or one seer and a half of inferior paddy. A trip to the forest takes two days. We make up the deficiency of food by jungle vegetables. In the Chhatisi Pargana, district of 36 villages in which I live, most of the rayats are as poor as myself. Here and there Marátha Kunbis own lands, but most of the landed property has gone in recent years to the Bráhmans. My family uses about nine cart-loads of fuel during the four months of the monsoon. At other times we fetch wood from time to time as we require it. I cannot therefore estimate the total quantity we require for one year. In the monsoon we use much more fuel than at other times. The grazing of the waste land in Ránsai, from which we get our fuel, is sold every year by auction. Formerly the grazing was sold for merely a nominal price, *i.e.*, a rupee or a rupee and a half, but lately the traders of Bombay offer very high bids, such as eighty or one hundred rupees, and completely shut us out. We beg that the forest guards may be removed and the forest entrusted as before to the care of the village *pátils* and Mhárs; that the land which we used before may be given over to us; and that we may also be allowed fuel and other wood required for agricultural and domestic purposes free of charge.

By the Commission,

The land-holder whose field I cultivated last year does not possess any *varkas* land except a small piece which is used for cattle to stand upon. The holder whose lands I have taken up this year holds some *varkas* land, but there is no *varkas* attached to the pieces that I have taken up. We never complained of the subscriptions which we paid to the forest guard. We have not paid anything this year as the guard is in a scrape, but I fear we may have to pay when he resumes his duties. We have been feeing the guard for the last four or five years. If the forest management were transferred to the village officers, we shall not have to bribe the *pátil,* as he is a *vatandár* of the village, and he carries more sympathy with us than the stipendiary guards, who are outsiders. When a man cultivates any land on *makta,* he does not get any *varkas* with it.

Ránsai is a deserted village. I live in Shiravli. The people of Shiravli draw their supply from the forest of Ránsai. The inhabitants of Gothan and Karambel, and the Mhárs of Vághoshi also, obtain their wood from the same forest. These places are within one mile and a quarter from the forest. The Shiravli people only have a right to take wood from Ránsai. We would object if we found the people of other villages making use of the forest. They do so without our knowledge.

WITNESS No. 9—(PEN *Táluka*),

12th April 1886.

GOVIND LAKSHYA, a Kátkari, labourer, aged 35, residing at Borgaon, stated in reply to questions

By the Secretary, Kolába Forest Association,

There are fifty houses of Kátkaris in Borgaon. There are Kátkaris in every village in the *táluka*. I do not cultivate any land. None of the Kátkaris hold lands. We live in hamlets in jungles. We fetch wood for sale and cultivate *dalhi* and grow hill grains. For the last five or six years, the Government peons have been preventing us from cultivating

dalhi, but we have managed to cultivate notwithstanding. In the year before last we (eighteen persons) were made to pay a penalty of one rupee each, in addition to the rent for cultivating *dalhi* without permission. We applied for permission, but as we did not get it in time, we cultivated without authority. Last year a surveyor was deputed to mark off some land for *dalhi*. He pointed out the land and asked us if it would suit us. We replied in the affirmative and cultivated it under the belief that we had the permission to cultivate, but notwithstanding this, thirteen of us were made to pay a fine of Rs. 3 each, besides rent. No lands have as yet been set apart this year, but we shall cultivate as before, not minding the consequences. We cut *shembi*, *karvand*, *sávar*, and such other bushes and burnt them on the *ráb* plots. We did not touch teak, *ain* and *kinjal*. We were fined last year about July or August. We had to borrow the money (Rs. 3 each) from a Bráhman on condition of serving with him for three months without any remuneration. I have not yet served out my time. I serve perhaps one day in a month. I have put in only twenty days' service. We cannot cultivate on flat lands as we have no ploughs. We are prevented from removing dry wood for sale by the guards unless they are squared with. We have no money to give them, but we give them occasionally fowls, hare, doves, eggs, fish, &c. We want sufficient land to cultivate, and permission to bring firewood from the jungles for sale.

By the Commission,

We rarely find employment in fields, but when we do we get one anna and a half as wages per day. If I could afford it I would take two annas worth of liquor every day. We cannot afford to drink it frequently, as the price has been very much raised. I drink once in three or four months. We drink toddy, but it is not procurable in my village. There are teak, *ain*, and *kinjal* trees in the *dalhi* plot I cultivated last year. When we burn the land, we take care to prevent the valuable trees from being destroyed. What we get by *shikár* does not help us much.

WITNESS NO. 10—(PEN *Táluka*).

13th April 1886.

BA'LA'JI VISHVANA'TH JOSHI, a Bráhman, land-holder, money-lender and trader, aged 65, residing at Pen, stated in reply to questions

By the Secretary, Kolába Forest Association,

I hold 150 acres of sweet rice land, 300 acres of salt batty land and 100 acres of *varkas* in sixteen villages of Pen *táluka*. I hold also 700 salt pans. I pay to Government Rs. 1,700 as assessment every year. I have to pay Rs. 60 every year as license tax. Most of my lands are sublet. I cultivate in person only such pieces as cannot be let to others. Of the villages in which I hold lands, the villages of Ránsai, Shedáshi, Jirne and Kalat have forests. I cultivate in person about ten acres of land in Jirne. I hold twenty-five acres of *varkas* in that village. The total area of my rice land in the village is about fifty acres. I have held the *varkas* from before the Survey. I have known of instances in which lands belonging to one person were entered in the name of another person at the Survey and this led subsequently even to litigation in the civil courts. There was no tree-growth worth mentioning in my *varkas* lands before. There were a few small trees and bushes only in one number and teak trees in another. Within the last four or five years I have planted new trees—teak, mangoes, &c., in one of the numbers. The loppings available from my *varkas* are not sufficient for my rice cultivation in all the villages. My tenants obtain their *ráb* from every available source, namely, *varkas* numbers, village *gurcharans* and forests; but they are chiefly dependent upon the last. Loppings of *injáili* trees such as *ain*, *bonda*, &c., from the Government forests have been stopped within the last seven years, but my tenants tell me that they have managed to remove them by coming to an understanding with the forest guards, but even then the quantity obtained has been insufficient. This reduces the outturn and the tenants get in arrears as regards the payment of their rent and ultimately they throw up the lands. The rayats get their wood for agricultural implements from the forests. I have about 200 head of cattle in Jirne; their cowdung is collected and used for *ráb*. I think my farm servants also resort to the forests for *táhál*. The total *kharíf* area in the village is about 100 acres and the occupied *varkas* is 800 acres. Some of the *varkas* numbers are as large in area as fifty to eighty acres. They are held in some instances by persons who do not own any *kharíf* land. One Thákur woman has eighty acres of *varkas* without any *kharif*; one Agri also owned a *varkas* number measuring about 250 acres without rice. This has lately been sold, I hear, for about Rs. 2,000. The land contains teak but no *injáili* trees of any value, nor is the grass from that number exported to Bombay. The Thákur woman mentioned above has also, I hear, parted with her *varkas* number for Rs. 700. It contains about one lac of teak trees. I believe that Pen formerly was part of Southern Konkan and Dunlop's proclamation applied to it. The people understand that under that proclamation they have the right to all trees in occupied lands, and Colonel Francis informed them, at the time of the Survey, that they were to do what they liked with the *varkas* which was their *málki*. The holders of *varkas* sublet their lands to other people for *varkas* cultivation and grazing. They also dispose of

the *táhál* to other rayats having no *varkas* lands. .The subletting rate varies from five to fifteen maunds per acre according to the description of the soil. Most of the tenants allow their rents to fall into arrears. The reason generally assigned is less outturn on account of insufficient *ráb*. This has especially been the case within the last five years. *Dalhi* cultivation is not permitted within forest limits. Some few Thákurs and Kátkaris who cultivate are prosecuted and punished. As the wild tribes cannot grow hill grains they resort to petty thefts. We are prevented by the forest officers from cutting any trees in occupied lands. I know of no circular preventing the cutting of *injáili* trees in occupied lands, nor can I quote any individual instance in which such permission has been refused. Mango trees are an exception. They are allowed to be cut. The people suffer inconvenience from the forest restrictions in various ways. They are put to annoyance, if the head-loads of fuel contain any green wood. Many people have been prosecuted for fetching forest produce of trifling value. Papers in a case tried five or six years ago in Pen will show that a servant of one Káshináth Báva was fined Rs. 5 for removing a bundle of *samidhás* (small sticks of *umbar* or wild fig tree used in sacrificial fires). Difficulty is also experienced in getting wood for agricultural purposes.

By the Commission,

A good deal of grass is exported to Bombay from Pen. I do not export any myself. I do not know whether the loppings of *ukshi, dháyati,* &c., are allowed from the Government forests for *ráb*. I know the circular of 1883 which applies to Pen *táluka,* but the jungle sepoys do not allow the people to take advantage of it. I am not aware of any complaint having been made under this head. I do not know what the concessions made by the circular are. I heard the evidence of Máhádu Shelár. The condition of most of the tenants in the *táluka* is similar to his. I do not consider their failure due to excessive rent but to deficiency of *ráb* and the absence of other facilities in connection with agriculture. The *khand* or rent is originally supposed to have been fixed at half the gross produce, but owing to the diminished outturn in recent years, the full *makta* is seldom realized. If a great deal of grass is exported, the *ráb* supply of the *táluka* will be diminished. When I give out lands on *makta* I consider myself bound to give sufficient grass from my *varkas* to my tenants for *ráb,* and I would do this even if I were offered a high price for my grass. Only a very greedy man would yield himself to such a temptation. Tenants know from what occupied *varkas* lands they may cut *táhál,* but practically they do not get much as it has been nearly destroyed by yearly loppings. I never cut any trees from my *varkas*. There was very little tree-growth on the *varkas* lands at the time of the Survey except some wild mangoes. I planted trees lately because I feel confident that I shall be allowed to retain them as my property. At the Survey the people were given to understand that they would have full property in trees; afterwards a certain fixed price was demanded for the standing teak. This has created mistrust in the minds of the people. It is not usual with me to change my tenants' lands frequently. I have seen from a distance the *varkas* land of the Thákur woman mentioned above. It is a regular jungle facing the slope of a hill. The purchaser of this land as well as the purchaser of the A'gri's *varkas* does not hold any rice lands in the village.

WITNESS NO. 11—(PEN *Táluka*).

13th April 1886.

MA'HA'DU bin CHA'HU, a Thákur, *dalhi* cultivator, aged 40, residing at Ambegaon, stated in reply to questions

By the Secretary, Kolába Forest Association,

There is a settlement of Thákurs at Ambegaon. It consists of fifteen houses. We hold no lands nor do we cultivate any by *makta*. Formerly we cultivated on hill s*dalhi* wherever we liked. We were stopped from cultivating it at the Survey, but we continued to cut for *dalhi* for some years without permission. For the last seven or eight years we have been cultivating the flat lands. Last year some Thákurs of Bándhni cut for *dalhi* for which they were punished by fine. Flat lands are not suitable for hill grain cultivation. They yield a poor return. We live on our crops for about two months, and for the rest of the year we carry firewood to Pen for sale. We do not get much field work. A head-load of wood fetches one anna and a half. A trip takes two days. Only dry fallen dead wood is collected and removed by us. We do not get it in abundance. We have to search for it. The forest guards now and then seize our bill hooks; we then have to bribe them and get off. We collect subscriptions among ourselves and pay the guard eight to twelve annas in a year. We did not pay him anything this year. We collect wild vegetables and live upon them for a part of the year. We collect *ápta* leaves and *torne* berries for use as well as sale. *Ápta* leaves are farmed; they have therefore to be sold to the farmer only at half the market price of the material. In one day a man can collect sufficient *ápta* leaves to fetch two annas according to the market rate. We fetch loppings of *ain, dháyati, nána* and *ambni* for *ráb* from the neighbouring jungle.

WITNESS No. 12—(PEN *Táluka*).

14th April 1886.

MIA SA'HEB VALAD ALI SA'HEB, Musalmán, cultivator, aged 65, residing at Nágothna, stated in reply to questions

By the Secretary, Kolába Forest Association,

I hold rice lands in the villages of Sukeli, Godsai, Vajroli, Pátansai and Chikni. They are about forty acres in extent. I have about 150 acres of *varkas* land in Mándavshet, Sukeli, Godsai and Vajroli. I pay Rs. 225 as assessment. I had no *varkas* lands at the Survey but as on account of forest restrictions my tenants found it difficult to obtain *táhál* and they threatened to give up the lands, I bought the *varkas* lands from other people to supply myself with *ráb* materials. Some of the persons who sold their *varkas* to me held *kharif* lands and others did not. About six weeks ago I cut the *injáili* trees from survey No. 15 in Vajroli. The number had already been cleared of the teak and blackwood trees belonging to Government. The after-shoots of these trees have not yet been felled by me. In other *varkas* lands where Government had similarly cleared their royalty trees, I have been cutting the after-shoots from time to time. This has been the *vahivát* with regard to occupied lands in Nágothna *peta* generally where Government have mostly cleared their reserved trees. The forest inspector attached the *injáili* wood in Vajroli referred to above. He did not ascertain the quantity of wood he was going to attach but carted it away notwithstanding my protest and even refused a receipt to me for the same. I have cut only some of the *injáili* trees. I have still retained a sufficient number of trees for my domestic and agricultural requirements. The inspector said the No. 15 from which I cut the trees was lowly assessed and therefore I was not to cut wood from it. I only hold a part of Survey No. 15, namely, thirteen acres and thirteen *gunthás*, assesssed at Rs. 1-10-8. The holders of the other parts felled the wood from their portions five or six years ago without objection. I bought the land in 1869 from a Gavli who had held it from before the time of the Survey. I applied to the *mahálkari* complaining of the attachment. I did not apply to any other officer. I was similarly obstructed twice or thrice from cutting trees in my *málki* numbers in other villages. Two years ago the *injáili* wood cut by me from my *varkas* numbers in Godsai was attached in March; the attachment was removed towards the end of May; the forest inspector demanded a receipt, but as there was no wood left on the ground which I could take possession of, I refused to grant it. The wood was either taken to the Government depôts by the wild tribes or removed by the people. The wood when attached was worth about Rs. 50. About 1877 some *injáili* wood cut by me from my *varkas*, survey No. 40 of Mándavshet, was attached by the forest inspector, and after the lapse of a year and a half the attachment was removed, but most of the serviceable wood had been taken away and some large pieces were left which I refused to take charge of. The estimated value of the wood cut was Rs. 150. The wood that was left unremoved was sold two years ago by auction by the Forest Department. I do not know for how much. My loss still remains unreimbursed. I have complained to the *mahálkari* and the Collector about both the irregular attachments, but I have not got replies from them. I applied once to the District Forest Officer. He informed me that the matter was under consideration. I cut the *injáili* trees because they had grown full of knots and I thought the new shoots would come up straight. I also expected to make some money to meet the assessment and the pay of my servants who look over the *varkas* numbers. The *táhál* obtainable from *ukshi*, *dháyati* and such bushes as have been allowed by Government, is far from sufficient for the *ráb* requirements of the district, notwithstanding the assertions of some of the people to the contrary. The people require all the *táhál* available from all the jungle trees, and even if they are not allowed this, they will continue to do so by either eluding the forest guards or by purchasing their silence. *Kita* contracts are given in Nágothna *peta* and Roha *táluka*. The contractors fell down all trees not minding their value as timber trees and cut them into logs for fuel. In some places teak fellings are also being carried out. The contract rate is, I believe, twelve annas per every teak tree felled. The *kita* contractors dispose of the wood to their best advantage. They export some wood to Bombay and Poona, and dispose of the rest locally. *Kita* is sold locally at the rate of Rs. 2 per candy of thirty-two maunds. The price of teak for local consumption is the same as the price for export. People can only buy what they want from the contractors. They are not allowed permits to cut it from Government forests but there are departmental fellings to supply local wants. The material is sold by retail auctions, but it is generally insufficient for the local requirements. The wood is grouped in small lots and each lot is sold separately.

By the Commission,

I let my rice land on *makta*. My tenants have no cause for complaint that I cut the jungle trees. They get enough *ráb* from my *varkas* lands and have not to resort to Government forests. I get from Rs. 25 to 50 per year on an average from the *injáili* trees in *varkas* land. I have to pay Rs. 30 as assessment on that land. Most of the rayats in the villages in which I hold lands do not possess *varkas* lands. They have to resort to the

forests for *táhál*. I have fifty to sixty head of cattle. The cowdung is sufficient for from a half to one and one-fourth maunds of *ráb*. I cultivate myself ten to twelve acres of rice which require about twelve maunds of *ráb*.

WITNESS No. 13—(PEN *Táluka*).

14th April 1886.

GOVIND PURUSHOTTAM KOLHATKAR, a Bráhman, cultivator and money-lender, aged 45, residing at Pen in the Pen *táluka*, stated in reply to questions

By the Secretary, Kolába Forest Association,

I hold fourteen acres of rice and fifty of *varkas* land in three villages. I have held them all along since the Survey. There is teak in all the *varkas* land. I bought this teak from Government in 1870. It was valued at the rate of 12 annas per every tree above a certain size and I had to pay Rs. 324 for it. I thus acquired the right to all the tree-growth then standing and the after-growth of the same. I produce the *kabuláyat* (*vide* Exhibit No. 2) passed by me at the time and the order (*vide* Exhibit No. 3) issued to me by the Pen *mámlatdár*, dated 1st February 1872. In 1883 when I wanted to cut some teak from my numbers, I informed the Conservator, N. C. On 18th July 1883 I received a *tákid* from the forest inspector asking me to abstain from cutting any trees, either old or new, without permission. Notwithstanding this, I cut the trees soon after relying on my former contract with Government. The District Forest Officer now demands the price of trees that were left out of valuation in 1872 on account of their being under size. I have refused to pay as I hold that Government parted with all trees in my numbers by the sale of 1872. Similar difficulties have been thrown in the case of other holders in Pen *taluka*. I know the cases of Ganesh Vishvanáth Mandlik, Náro Rámchandra, and Nágardás Saubhágyadás.

WITNESS No. 14—(PEN *Táluka*).

14th April 1886.

DHONDU BIN RÁYA, a Dhangar, cowherd, aged 35, residing at Mira Dongar, *Táluka* Pen, stated in reply to questions

By the Secretary, Kolába Forest Association,

There are about twenty-five cattle-sheds on Mira Dongar. The total number of cattle is about 200. We do not hold any lands. Formerly we cut for *dalhi* and cultivated hill grains in certain defined portions of the forests. We have been prevented from doing so lately. Last year about eighteen Dhangars were fined for unauthorizedly cultivating *dalhi* lands. The amount of fine varied from Rs. 2 to Rs. 7 per head. The forest guard collected the money. We were never called up by the *mámlatdár*. Bábáji is the name of the guard. He has lately been transferred to Mahád. I do not know who ordered the fine to be collected, whether the peon did it on his own responsibility or acted under orders from his superiors. The amount was collected in last *Ashvin* or September-October. I ask that we may be allowed *dalhi* land to grow hill grains. The grazing of Mira Dongar is now sold by auction. It is bought by Pándharpeshás and resold to us at a much higher rate. It would be well if Government made some arrangement by which we could secure this grazing without the intervention of the Pándharpeshás. We would gladly pay what is due to Government. We would pay any moderate grazing fee per head of cattle. We may also be allowed wood for building the cattle-sheds.

By the Commission,

When we were fined, we made no petition, complaint or appeal. We did not enquire whether the fines were ordered by the superior authorities.

WITNESS No. 15—(ROHA *Táluka*).

15th April 1886.

DHARMÁJI BIN PÁYÁJI SHELKE, a Marátha, cultivator and money-lender, aged 66, residing at Jholámbe, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am an elected member of the Táluka Local Board. I hold eighty acres of rice land and twenty acres of *varkas*, assessed in all at Rs. 500, in two villages, namely, Bhátsai and Jholámbe. I cultivate myself twenty acres of the rice land in Bhátsai and let the rest to the tenants. My *varkas* land is in Bhátsai. I have thirty-five acres of rice land in all in Bhátsai. The village of Jholámbe has no forest; it was formerly a hamlet of Bhátsai. At the Survey it was measured off into a separate village. My *varkas* land has some jungle trees on it. It

has always been in my *vahivát*. Prior to the Survey, it was not in my name. At the Survey it was measured off into a separate number and entered in my name. All the *varkas* land in the *vahivát* of the people was not measured off into separate numbers at the Survey. Only such lands as happened to be cultivated were measured off. The fallow land was included in the *gáyarán* number. About 100 acres of land in the individual *vahivát* of the rayats was thus included in the *gáyarán*. It belonged to about forty cultivators. It contains low shrub jungle. The people used the land for *táhál* even for some years after the Survey. Eight cattle-sheds also stood there from a very long time. Within the last eight years, the people have been prevented from taking *táhál*, and the cattle-sheds have also been removed. *Dháyati, ukshi, kinjal, ain, nána, bonda* and such trees grow in the *gurcharan*. I allow my tenants to take *ráb* from my *varkas* number. I get my *táhál* from a number in an adjoining *khoti* village, which I have taken on lease for twelve years. My tenants in Bhátsai who have to cultivate fifteen acres of rice in all, do not get enough *ráb* material from my *varkas* number. It is only half of what is required. The deficiency is made up by obtaining it from my newly acquired land in the *khoti* village and also from the village *gurcharan* and Government forest. Jholámbe rayats get their *ráb* from the *gurcharan* and forest land of Bhátsai. They have individual *vahivát* in the *gurcharan* but not in the Government forest. The rayats of Varoda, Shenvai and Kopre get their *táhál* from the *gurcharan* and the forest of Bhátsai. Like Jholámbe, Kopre was a hamlet of Bhátsai before the Survey. Bhátsai people do not object to this *vahivát* of the rayats of other villages. The inhabitants of all these villages obtain their firewood and wood for agricultural implements from the Bhátsai forest. Loppings obtained from the ten kinds of bushes which have been allowed to be lopped for *ráb* by Government will not give us sufficient supply of *táhál* as the number of such bushes in the Bhátsai forest is not large. About eight years ago, restrictions were placed for the first time in the way of removal of *táhál* of *nána, ain* and such trees, and also wood for agricultural purposes. The forest guards take away the billhooks from the rayats when they catch them removing the prohibited articles, but let them off when they are paid something. When we removed *táhál* and other materials from the forests, we considered we had a right to do so. We cut for *dalhi* and cultivated hill grains in places which have now been declared reserved forests. Before the Survey, the *varkas* land was held either by *dhárekaris* or *non-dhárekaris;* when by the former, they paid a certain fixed amount irrespective of actual cultivation, and the latter paid rent at the rate of 1 rupee for every cultivated acre. There was no limit as to the area of *varkas* to be cultivated by each rayat, nor were any fixed plots assigned to the different cultivators. The village of Bhátsai was formerly *khoti*. It became *khálsa* ten or fifteen years before the Survey. Forty years ago, the people cut teak from Government forests without permission. Dr. Gibson first issued orders that the teak was to be reserved; but he allowed the branches to be lopped and removed for *táhál* and fuel for two or three years; the rayats then were prohibited from taking the branches also. When the teak used to be lopped for *táhál*, it grew up straight. I was present when the Survey Settlement of my village was announced by Colonel Francis at Kolád camp. That officer gave us to understand that we were to graze our cattle and draw our fuel and other wood-supply from the *gurcharan*. The whole of the waste area was then included in the *gurcharan*. The Government forest was marked off subsequently. When the trees were lopped for *táhál*, only the side branches or *vistár* were removed, and the principal stems were left uninjured. In old days there were no forest guards to watch the forests. The village officers, Mhárs and *khots*, did the work. In the early days of the British rule, the people were allowed to cut any kind of wood for building. Dr. Gibson first prohibited the cutting of teak without permission. About thirty years ago, sixteen kinds of trees were reserved and the people were not allowed to cut them without permission. From the year of the Survey, no wood is allowed to be cut for building without obtaining previous permission. As compared with the state of the forests about twenty-five years ago, they have improved in some places and become denuded in others. The jungle has become thin wherever Government fellings have taken place, for instance in Shenvai, Chávre, Gophan, Shedsai and Khámb. From two to four acres of *varkas* is necessary to supply sufficient *táhál* for one acre of rice land, supposing that no cowdung *ráb* is available. I keep about sixty head of cattle, big and small. I get enough cowdung to burn seed beds of four maunds. The cowdung is collected mostly in the dry season. For my twenty acres of rice land, I have to prepare seedlings of fifteen maunds. I manure my rice land by sheep droppings which cost me Rs. 30 to 40. On the average the outturn is twenty-five candies. There are four Kátkari families in Jholámbe. They live mostly by fetching wild produce and fuel from the jungle. They do not find employment in fields as they are not skilled agricultural labourers. There is a hamlet of Thákurs within the limits of the village of Chirebandi. About twenty Thákur families live there. I believe they were fined eight annas each this year by the *mahálkari* of Nágothna for cultivating in the forests without permission. Cowdung *ráb* is the best of all. *Bonda, nána, ain, kinjal*, &c., come next. The teak loppings are inferior to both, but they are a superior *ráb* material to *ukshi, dháyati*, &c. The people of the *táluka* are dissatisfied because they do not get enough *varkas* land to grow hill grains. This has reduced the food-supply of the people.

By the Commission,

I have seen the Government firewood fellings by contractors at Shenvai from time to time up to this year. There is a big cutting this year at Chávre, two miles from my village. Trees up to five feet in circumference have been cut. *Koshimb* and mango trees of this size have been cut. *Jámb, ain, nána* and *hed* of from two to three feet circumference have been cut

for firewood. *Jámb, ain, hed* and *nána* trees are useful for building purposes. The staple food of the Kunbis in Roha is *nágli* and *vari*. They get no rice after January. Their *nágli* lasts up to June or July. The cultivation of *nágli* and *vari* has decreased since land has been set aside for forests. *Dalhi* cultivation has been entirely stopped throughout the *táluka* for seven years, except that last year some Thákurs and Kátkaris were allowed to cut for *dalhi* in some villages. Some twenty-two Thákurs in my village were fined eight annas each in connection with this *dalhi* cultivation. I do not know if they were fined for unauthorized cultivation or destruction of trees. I think they were fined for cutting the jungle before getting permission. When the Kunbi's store of grain is exhausted he borrows at 50 per cent. Very few Kunbis seek labour in Bombay in the slack season. In old days our village produced fourteen or fifteen candies of *náchni*, and now we get barely five candies. We were strongly urged by the Survey Officer to take up *varkas* and hill lands. We only took up the lands then actually under cultivation. We did not take up the fallow *varkas* as we did not see what benefit we should derive from it. We refused because we should have had to pay assessment on fallow as well as on land under crops. We could have got as much land allotted to us as we wanted even all the land now included in forest. We do collect cow-dung for five months from October to March. In March, April and May the cattle go to the forests for grazing and the cow-dung is lost. During the rains the dung is collected but very little is saved then. The Chávre firewood is exported to Bombay from Revadanda. No wood but Government wood goes from that bunder. Teak from occupied lands and charcoal is exported by private individuals. If mangoes are cut in occupied lands the wood is made into charcoal. In our *táluka* the *khots* sell their *varkas* lands to traders for cutting the trees. Kunbis as a class do not do so. What is fit for timber is removed to Bombay and the refuse is turned into charcoal. No *injáili* wood is sent to Bombay as timber. As a rule the *khots* do not sell the *injáili* trees on their lands, but keep them for *táhál*. They sell the teak and mango trees. Two or four *khots* in Roha do this. The rayats generally complain that the *khots* sell the mango trees because it diminishes their firewood supply and they lose the fruit. They do not use mango wood as firewood to any extent.

Witness No. 16—(Roha *Táluka*).

16th April 1886.

Aaron Samuel, an Israel, cultivator and money lender, aged 50, residing at Ashtami, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am a *khot* and Police *pátil* of Jui. I am also a member of the Táluka and District Local Boards and the Municipality of Roha. I pay Rs. 40 as license tax every year. I hold two villages in *khoti* and *dhára* lands in fifteen villages. I pay about Rs. 2,500 in all as assessment to Government. My *dhára* lands consist of about 400 acres of *kharíf* and 500 acres of *varkas*. I keep 150 head of cattle. I sublet my *kharíf* and *varkas* lands; the twenty-five or thirty acres, not so let, I cultivate myself. Of the villages in which I hold *dhára* lands, several contain forest, notably Khámb and Poi. In Khámb, I have fifty acres each of *kharíf* and *varkas*. The *varkas* land is made use of by my tenants, but I charge for any land cultivated in it at one-third or one-fourth of the estimated gross produce. The *ráb* from my *varkas* is not however sufficient. My tenants make up the deficit from the *gáyarán*. The *gáyarán* is included in the forest, but people take away the *ráb* nevertheless. My *varkas* contains all the ordinary trees including teak. I allow my teak trees to be lopped for *ráb*. In about 1850 Dr. Gibson entered into an agreement with my father for the protection of the teak in the *khálsa* village of Khámb. By that agreement we were allowed to lop the teak trees and take the loppings below a certain diametre to be divided between the *rakhváldár* and the rayats according to practice. The lopping of teak was permitted for five or six years after the execution of the agreement and then it was stopped. I cannot quote the orders. I still have charge of the teak forest. I received one-third share of the produce as my remuneration. What I have said above of the disposal of my *varkas* lands in Khámb applies equally to my *varkas* in other villages. The *ráb* supply of the allotted *varkas* is generally insufficient for the rice cultivation in the *táluka* and the rayats have consequently to resort to the *gurcharans*. Except mangoes, all other trees and shrubs are useful for *ráb*. In rare cases mango trees are also lopped for *náchni ráb*. The teak in Government lands is not lopped now but all other trees are lopped. If the loppings of the ten kinds of bushes were alone permitted, they would not at all suffice for the *ráb* requirements. Those trees are preferred for *ráb* which burn slowly, and which do not shed off the dry foliage quickly. For instance, the branches of *ain* and *kinjal* make very good *ráb*. The teak loppings are next best. The branches of *karvand, dháyati, ukshi*, &c., which have now been allowed by Government make a very inferior *ráb* material, as most of them shed off their leaves by November. The people get also from the Government jungle, grass, fuel and wood for agricultural purposes. The inhabitants of non-forest villages draw their supplies free from the nearest Government forest. The people of forest villages do not take objection to this *vahivát* by the non-forest villages. Government have lately put restrictions upon the removal of *táhál* of big trees, fuel and other wood, but people cannot do without them, and they manage to remove them notwithstanding the prohibition. All grazing in the *gáyarán* number of Khámb has been absolutely stopped, so that the cattle cannot even go there to drink water. The *gáyarán*

is, I believe, described in the survey *sud* as *ságáche rakshan karun gure mophat chárávi* (Cattle to be grazed free, preserving the teak). A small area of this number containing about a thousand trees is cut every year. The Forest Department is now demanding Rs. 60 as damages from me as *rakhváldár* for the alleged destruction of new shoots by the village cattle which grazed in the number. The people have to square the forest guards for their connivance. I have brought this to the notice of all the officers, high and low. I say that the people of Kolába have rights over all the forest of the district except the forest of Tudil under paragraph 4 of letter No. 412, dated 31st October 1831, (Appendix No. 4 of Thána Memorial).

In paragraph 6 of a *kabuláyat* executed by my father Samuel Bábáji as *khot*, it is stated as follows:—

"Should Government give up the teak of the people in *khoti* and *dhárekari* villages, I should also get mine. I should not be prejudiced because of my execution of this agreement." Had the rayats not had rights over all the forest, this clause could not have been inserted. A similar clause has, I believe, been inserted in the *kabuláyats* executed with reference to *inám* and *khálsa* villages. This clause was introduced in the *kabuláyats* of *khálsa* villages after some correspondence with Dr. Gibson. Before 1850, no permission was necessary for cutting timber from forests. There are also instances in which Government encouraged house building by assigning lands in *inám* for a certain period. My father was thus assigned three *bighás* of land. I was present at the Survey Settlement of my village. The settlement officers were ready to give up all waste land to the people if they had asked for it, but the people refused to take it as they were too poor and they were under the impression that under the joint rules they would be compelled to throw up the whole holding if they desired to give up a particular number. If I had applied for the *gáyrán* number myself, it would have been given to me. I think the Survey officers had the authority to do so. But by this other persons would have been injured. The settlement officers gave us to understand that the people were to make use of the *gáyarán* for *rán*, fuel and grazing as before. The *dhárekaris*, before the Survey paid a certain fixed assessment for the right of cultivating any *varkas* area they pleased; the non-*dhárekaris* were made to pay for the area actually cultivated. People had individual *vahivát* in *kás-kavaltha shindád* lands. Some of them were measured off and entered in their names at the Survey and the others were included in the *gáyarán* and now form part of the Reserved forest. No cultivation is now allowed. This has affected the condition of the poor cultivators. Thákurs and Kátkaris are also badly off because they are not allowed to cultivate in *gáyarán*. The monopolies of wild produce have also added to their difficulties. The restrictions imposed are harassing to the people. Every facility should be given to the agriculturists to bring from the Government forests whatever materials they require for their domestic and agricultural requirements. Building timber should be allowed at reasonable rates. Grazing should be allowed as before. This will enable reductions to be made in the forest staff. The village and District Revenue Officers might be entrusted with the management as before. When these officers had the charge of the forests, they were well preserved. Teak and *injáili* trees are now being cut and disposed of from the *málki* numbers. This is due to a want of confidence in the policy of Government. The people fear that at the Revision Survey close at hand, they will be deprived of all right to tree-growth in the same way as they were deprived of their teak. The people of Mángaon and Mahád are in the same condition as those of Roha. If anything they are worse off. Their lands are less fertile; their rights as regards forest are the same as those of the Roha people. The yield of crops has become less in recent times. Where formerly a piece of land produced 1¼ to 1½ candies, it barely produces one candy. This is due to several causes such as less number of cattle, less quantity of *táhál* and inferior wood for agricultural implements. Restrictions of grazing have reduced the number of cattle. I formerly kept 300 head of cattle, now I have only 150.

By the Commission,

The *dhárekaris* and others whose *varkas* lands were included in the *gáyarán* and subsequently in the forests, could have got them, if they wished at the time of the Survey. I do not know whether the contracts for collecting minor produce still continue. Having no connection with them I only state what I have heard. I know they were given four or five years ago, when I complained to the Revenue Commissioner about them. The owners of *málki* numbers cut all kinds of wood except teak and blackwood partly for use and partly for trade. It is usually utilized as firewood. They have been cutting teak also lately. In Roha cuttings of this sort are going on in about twenty-five places this year. I do not know of any complaints having heen made by rayats that their supply of *rán* is thus diminished. They get more *rán* if the numbers are cleared, as the stumps throw off new shoots which in two years give a larger supply of *rán* than the original tree yielded. In the number which I cut I did not cut any *ain* or *khair* because they were wanted for *rán*. I only cut the mango trees. Another reason for not cutting *ain* and *khair* trees was that they might grow into big timber trees. The population and the extent of rice cultivation have increased since the Survey. The *varkas* cultivation has decreased. If the forest restrictions were removed, the increased area under cultivation would balance the increased population. If the people were allowed to bring wood from the forests as before and restricted from selling, they would cut only what is necessary. If they were allowed to sell, they would destroy the forests. The wild tribes may be allowed to sell wood to the local inhabitants.

WITNESS No. 17—(ROHÁ *Táluka*).

17th April 1886.

VITHUJI MA'HA'DUJI BAMUGDE, a Marátha, cultivator, aged 65, residing at Killa, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am an elected member of the Táluka Local Board of Roha. I hold twenty acres of *kharíf* and twenty-five acres of *varkas*. Killa is a *khálsa* village. I pay Rs. 200 as assessment every year. The village of Killa contains some forest land. Before the Survey the lands of the village were held on *dhára* tenure. Killa was formerly a *khoti* village, but it became *khálsa* about fifty-five years ago. The *varkas dhára* of the village was four candies and odds before the Survey. It did not then consist of defined plots. The *dhárekaris* were allowed to cultivate wherever they liked. Survey No. 234 of Killa is now included in the Reserved forest. There were fifty to sixty cattle sheds in it from time immemorial; they have been ordered to be removed. I produce a specimen copy (*vide* Exhibit No. 4) of the notices issued by the District Deputy Collector requiring us to remove the sheds within thirty days. At the Survey Settlement, the number which measures 344 acres was set apart as *ránrakshan gurcharan* (Grazing land subject to forest preservation). There are three other numbers set apart for free grazing; they in all measure sixty-nine acres. The number in which the cattle-sheds stand is a small one, measuring not more than fifteen acres. Before the Survey, the *dhárekaris* cultivated parts of what is now *gurcharan* for *nágli*. For the last five or six years, we are prevented from driving the village cattle to graze in the *ránrakshan gurcharan*. I produce extracts for perusal from three rayats' receipt books to prove that we held *varkas dhára* before the introduction of the Survey. Even after the Survey, we have been using the two large jungle numbers in the village (probably Nos. 234 and 229) for grazing. We also obtain our *táhál*, grass, and fuel supplies from the same. We continue to draw these materials from the forest notwithstanding the late restrictions. We lop *ain, kinjal, bonda, dhávda* and such trees for *táhál*. I have heard that the people have to square with the forest guards for their connivance. The village of Goa had one forest number which they used for *ráb*, &c. The people had apportioned it among themselves and had planted it carefully, so that it might afford them the necessary *ráb* supply. This number has now been included in the Reserved forest.

By the Commission,

The receipt books produced do not show that any particular or defined areas of *varkas* land were held by the *dhárekaris*. The *dhárekaris* could have got all the *varkas* lands in their *vahivát* entered in their names at the time of the Survey had they asked for it. The assessment was already heavy and the *varkas* lands did not contain many trees, so people were not anxious to undertake them. The grazing of the *ránrakshan gurcharan* has never yet been sold by auction. We still graze our cattle in it and our cattle have not been impounded. We have not been prevented in any way from grazing our cattle there. The difficulty has been in connection with the cattle-sheds.

WITNESS No. 18—(MAHÁD *Táluka*).

17th April 1886.

GULÁM VALAD ABDUL RAHIMA'N, a Musalmán, cultivator and trader, aged 45, residing at Rájevádi, stated in reply to questions

By the Secretary, Kolába Forest Association,

I hold ten acres of rice land in Rájevádi. I at one time held about eight acres of *varkas*; about half of it has been taken back by Government for teak planting. About two acres were taken before and two acres after the Survey. Some other people have also similarly been deprived of their *varkas* lands. Two of the rayats were allowed lands in exchange. We were not paid anything. We have never relinquished our lands. I have heard the petition dated 18th October 1885 just read to me. It was submitted by me and others who have signed it. Rájevádi has no jungle, so we resort to forests of Nárgaon, Gondale and Kinjloli. We lop all trees except teak, blackwood and *khair*. Notwithstanding the restrictions we manage to bring the *táhál* by eluding the vigilance of the guards; if we are found out at any time, we have to pay him something. We have always drawn upon the neighbouring forests from before the Survey as Rájevádi has no jungle. The people of Ainshet take their materials from the forests of Barasgaon. Other non-forest villages in the neighbourhood also resort to the same forest. We cannot afford to buy *táhál* and fuel. The outturn of a piece of 4½ acres of rice which I cultivate is about two candies. The land is assessed at Rs. 7½. It will barely fetch Rs. 200 if sold outright. The probable rent of the land is one candy. The condition of the cultivators of my *táluka* is depressed. They have little or no credit and the *sávkárs* refuse to advance them anything, unless they execute bonds on duly stamped papers. The cultivation of *náchni* and *vari* has decreased

because the cultivation in forests has been stopped and *rán* material cannot be had so easily as before. In the village of Kámble, where fifty candies of *nágli* were grown, barely five candies are produced now, and instead of being an exporting village, it has to buy in other markets.

By the Commission,

We were offered lands in exchange in the village of Nárgaon, but we refused to take it as it was unfit for cultivation. Our lands were superior; we could grow pulses in them. I do not remember of having expressed my willingness to take up the land that was offered to me in exchange. I do not cultivate any land on *makta,* as I do not get sufficient *rán* for my own land. In Dápoli, Gondhlekar *khot* gives *rán* lands to his tenants along with the rice lands, but I do not know that such practice exists in this district. The *dhárekaris* have begun to clear up their numbers of teak and the market at Mahád is glutted with teak rafters. Teak is useful for *rán.* Until new shoots have sprung up again for a year or so there will be deficiency of *rán,* but it will be made up by increased offshoots in future years.

Witness No. 19.

4th May 1886.

Pándurang Lakshman Dándekar, a Bráhman, money-lender and landholder, aged 40, residing at Medhe, Táluka Roha, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am a member of the Táluka Local Board and the Municipality of Roha. I am a member of the Kolába Forest Association. I pay Rs. 30 to Government as License Tax. I hold 3½ villages in *khoti* and detached lands in Pen, Mángaon and Roha. I hold about 1,000 acres of *kharíf* and 1,500 acres of *varkas.* I pay Rs. 3,500 as assessment to Government. I am acquainted with the conditions of the people in all the *tálukás* of the Kolába District except Panvel. I take contracts of Public Works and hold the toll farms in the district. In ante-Survey days all the waste lands of villages were used by the people in common. At the Survey some of the lands that were fit for hill grain cultivation were broken into numbers and given to people and all the remaining areas were reserved for common use. The villagers were also given to understand at the time of settlement, that they were to make use of the waste lands as they had been doing hitherto. For ten or twelve years after the Survey we were allowed to use the lands without interruption. When *kharíf* lands were parted with in ante-Survey days invariably mention was made that *kás kavaltha* (*rán*) lands appertaining to those lands were also transferred with them. I produce some old documents for the perusal of the Commission in support of this statement. In the village of Bhise, of which I am the *khot,* three numbers were set apart for special purposes as follows :—

		A.	g.	
Survey No.	111	56	12	For free grazing.
„	124	207	35	Village Forest.
„	126	437	16	Government Forest.

Of these survey Nos. 111 and 124 contain all the *kás kavaltha* pieces belonging to the different cultivators, who have individual *vahivát* in their respective pieces. Both these numbers and the Government forest number have, now, been included in the Reserved forest by the notification of 1879. There is no other land in the village from which *kavaltha* can be obtained. In 1883 the Forest Settlement Officer decided that the people had no rights in these numbers except certain rights of way. I am aware that Government have allowed *rán* loppings from ten kinds of bushes from the Reserved forests. Three of the bushes, *viz., bhár jámbhul, gomeli* and *bokhád,* do not exist in our village forest, No. 124, and the rest are insufficient for the requirements of the village. Survey Nos. 111 and 124 contain trees of jack, mango, *khair, dhávda, ain, kinjal,* teak, blackwood, *torni,* &c. I consider that we have been deprived of our right to the fruit growing in these numbers. By the concessions made by Government, only the residents of forest villages are allowed to collect wild fruit, but some of the cultivators of Bhise reside in the neighbouring village of Medhe. They would thus be debarred from removing the furit from what was their *kavaltha* before. We are not allowed to lop *ain* or *kinjal.* The loppings of *ain, kinjal, jámb, ukshi,* and *dhávda* are preferred as *rán* materials. It is customary for non-forest villages to make use of the neighbouring forests. The inhabitants of forest villages do not object to this *vahivát* on the part of the outsiders. I as a *khot* do not object to other villages using the forest of my village. By outsiders I mean people connected with the lands of the forest village but residing and cultivating in other villages. For instance, the *dhárekaris* of Bhise having separate plots of *kavaltha* in Survey Nos. 111 and 124 removed *táhál* and grass from their *kavaltha* lands for use in the villages in which they either resided or cultivated. If a person entirely unconnected with the lands of Bhise were to cut *táhál* or grass from Nos. 111 and 124 the villagers of Bhise would object. The villagers of Medhe, Revavli, Bhátsai, Váravde,

Páli and Pophalghar used to resort to survey No. 126 for grass, fuel and *táhál*. The villagers of Bhise also supplement their supply of these materials from survey No. 126, whenever their supply from their individual *kavaltha* falls short. Of the villages mentioned above the boundaries of Revavli, Medhe, Pophalghar and Páli adjoin those of Bhise. In the village of Revavli, some *kavaltha* land appertaining to my *dhára* was included in No. 140 at the Survey. This number was set apart for free grazing at the Survey Settlement, but has since been declared Reserved forest. At the settlement, the waste lands of this village were set apart for free grazing, village forest, Government forest, and *ránrakshan gurcharan*. The circumstances of this village as regards the user of waste lands are similar to those described above with regard to Bhise. Prior to the Survey *dalhi* cultivation was allowed in all the forest villages of the *táluka*. The *dhárekaris* paid a certain fixed *dhára* for *varkas* cultivation in consideration of which they cultivated as much land as they liked. The lands so cultivated are now included in the Reserved forest. In the *khoti* village of Varap, survey No. 68 was set apart at the Survey Settlement partly for *khap* of the village and partly for the *khot's* use. Subsequently the area set apart for *khap* was appropriated for Government forest. It has since been divided into two Nos. 69 and 70 and declared to be Reserved forest. This change will be obvious from the corrections in the *sud* which I now produce. The conversion of the *khap* land into *sarkári* forest was not communicated to the people. Some of the *khots* in Mángaon and Roha withheld their *suds* when they were demanded for corrections. Some of the private lands within village sites were included in survey numbers at the time of the Survey; and they have subsequently been included in the Reserved forest. In the village of Medhe, one Bálkrishna Bháskar Phátak sued Government for felling teak out of a number so formed (Suit No. 22 of 1870) and got a decree in his favour. Government appealed against this decision, but the appeal was thrown out. After this decision, those who applied for their lands being restored to them got their lands back; those who did not apply, lost them. In the *khálsa* village of Váravde, one Hirnák Mhár possessed five mango trees in survey No. 38 which is *gurcharan*. In Register No. 1 his proprietary right to the trees was recorded in 1873. He was criminally prosecuted and punished for cutting one tree reared by him in 1864-65 in *gurcharan* land. The villagers advanced a general claim for *khap* lands and the trees contained therein before the Forest Settlement Officer. I am not aware that any individual laid claim to particular fruit trees in waste lands. I believe the Forest Settlement Officer has decided that people have no individual rights in the reserved lands. I cannot remember whether the Forest Settlement Officer's attention was drawn to the entry in Village Register No. 1 with regard to such fruit trees. I drew attention of the Settlement Officer to the fact that the lands notified as reserved were assigned to the villagers for their use at the Survey. There are *injáili* and teak trees in my *málki varkas*. I am not allowed to cut old teak unless I have paid for it. In some cases where I have bought the teak, I am allowed to take the after-shoots. The young saplings that were left out of calculation when the teak was first disposed of are now being valued and their price is demanded of me. I am also required to buy up the right to teak trees in *dhára* holdings. I hold that, the *varkas* lands which were assigned to the *dhárekaris* at the Survey are the proprietary lands of the *dhárekaris*, because they are described in the *sud* as *varkas dhára*. The *varkas* lands which are now entered in my name were used by me before the Survey for hill grain cultivation as well as for *ráb*. I believe I have full proprietary right to all trees in my *dhára* holdings. The *málki* numbers have been largely denuded within the last ten or twelve years. Much wood, *injáili* and timber, is also exported to places outside the district from the Government forests.

I have myself cleared some of my *málki* numbers. The *málki* numbers were chiefly cleared by the people, as they were apprehensive that they would be taken up by Government for inclusion in the forest. In the village of Revavli, survey No. 116 is my *málki varkas*. Government intended to take it up for forest but I refused; and it has not been taken up. Another reason for clearing is that Government included in the reserve what was assigned for village purposes. I am aware that occupied numbers cannot be taken up without paying compensation.

5th May 1886.

At the Survey certain land was assigned for *dalhi*, assessed and entered in the *khot nisbat kháta* in the village of Shenvai. This land has since been taken up for forest and the Forest Settlement Officer has decided that the *khots* have a right to cultivate *dalhi* in the land till the expiration of the Survey Settlement, and that there are no other rights. The *khots* still pay the assessment and give the land for cultivation to the villagers. I produce copies of a notice given by the *khots* to the Forest Settlement Officer and the decision of that officer (*vide* Exhibits Nos. 5 and 6). Lands in Nágothna *peta* which were assigned to Gavlis at the time of the Survey Settlement have been included in the Reserved forests without the consent of the occupants. These were numbers which are now called *kamdari*. The term has been in use for the last six or seven years. Passes were withheld for a time for cutting wood in *málki* numbers which were within a certain distance of the Government forest. The passes are now being granted freely since the transfer of the business to the *mámlatdár* two years ago. The occupants of lands are required to obtain passes before cutting wood from their numbers. This in itself is a cause of distrust created

in the minds of the occupants with regard to their rights. It also appears that Government can take up our lands for forests by paying ten or twenty times the assessment, even though ahe lands may be more valuable on account of the tree-growth. The holders therefore clear the trees with a view to realize their value before the lands are parted with. In one case an agreement entered into by Dr. Gibson with a *dhárekari* for the protection of the forest of the village of Ambroshi was cancelled on the ground that the *dkárekari* absented himself without permission. He had proceeded to Benares and sent a communication to the Forest Officer that his son would take care of the forest in question in his absence. He petitioned the superior authorities for the restoration of the agreement, but as his request was refused he filed a suit to establish his right, whereupon the suit was compromised (*vide* Government Resolution No. 10259, dated 31st December 1884). There is a general complaint that cattle grazing in the lands set apart for free grazing at the Survey are impounded by the forest guards since the inclusion of the lands in the forest. Two years ago the cattle of Bhise were impounded for grazing in survey Nos. 124 and 126. Under the present system of clearing forest tracts by contracts, all the wood is exported by the contractors to Poona and Bombay, and nothing is left to meet the local demand. The forests of Mhasádi, Chávre, and Bhálgaon in Roha, Varsai, and Niphád in Pen and Kále in Panvel are being felled this year. In the year just closed, I had taken the contract of clearing the forest of Varsai. In some villages *injáili* wood was felled and in others teak was felled. All the *injáili* wood is turned into *kita* logs and exported. I estimate that in 1885-86 Government must have realized about Rs. 1,50,000 from these fellings. Such cuttings have been going on for the last five or seven years. Every year more and more area is being cleared. I had agreed to buy standing teak at the rate of Rs. 49 per 100. I sold the felled wood at a rate varying from Rs. 1 to 10 according to the size of the trees. I had to take the wood to the road-side, that is, about a mile from where it was cut. The people complain that they find it difficult to buy what they want from the contractors. They would prefer to obtain wood in small quantities by permits. If the wood were cleared at the present rate, what remains in Government forests now will all disappear in the next twenty years. The condition of the people in Mahád, Roha and Mángaon is a depressed one. The Kátkaris and Thákurs are not allowed to cultivate *dalhi*, nor do they get employment under the wood contractors. They are thus in a much worse condition than before. The agriculturists are not so well off as before, because they do not get what wood and *rán* they require ; so their lands produce less. The wild tribes resort to thieving as they cannot get labour.

By the Commission,

I did not ask to have my *kás kavaltha* lands entered in my name at the Survey. There was no object in our having them entered in our names. I was not debarred from getting them entered in my name, because I would have had to pay assessment on it. I understood that in fixing assessment on the *kharíf* land the convenience to the occupant of using the *kás kavaltha* was taken into consideration. The privilege of cutting the ten shrubs for *rán* extends to the *sarkári rán* in Bhise No. 126, as well as the village *rán* No. 124 and the *gurcharan* No. 111. All the ten kinds enumerated in the circular are probably to be got in the *sarkári rán* No. 126. In the *gurcharan* No. 111 there is nothing except teak and fruit trees reared by the people. Some of the Bhise villagers, say from five to ten, go to the *sarkári rán* for *táhál*. When I said above that the ten shrubs were insufficient for the *rán* supply, I did not take into consideration the supply available from No. 126. But even with this addition the people would not be satisfied, as the shrubs make inferior *rán* material except *ukshi* and *dháyati*. The grazing of the reserved forests in Bhise is not to my knowledge sold by auction. We were not told not to graze our cattle there. In 1878 there were fellings going on in Bhise but not in the year in which the cattle were impounded. Under my contract in Varsai I paid altogether for 2,000 trees, big and small ; but I paid nothing for trees below eight inches in girth. I utilized the trees below eight inches in girth as *kita*. I have seen compartments which have been clean felled, a few years after fellings, where cattle have been excluded from the clearings, and people have been prevented from hacking and cutting, the reproduction has been satisfactory. Such cases are few. More often the forest is destroyed from want of care after felling operations. The system of felling by compartments has been introduced within two to four years. I have seen satisfactory reproduction after fellings in two villages only, Chávre and Khámb. In other villages the result has been indifferent.

WITNESS NO. 20.

6th May 1886.

VITHAL MA'HA'DEV DHA'MANKAR, a Bráhman, pleader, trader, and land-holder, aged 43, residing at Alíbág, stated in reply to questions

By the Secretary, Kolába Forest Association,

I am a Secretary of the Kolába Forest Association. I hold lands in Roha and Alíbág *tálukás*. In Roha I have forty-one acres of *kharíf* and twenty-six acres of *varkas*, and in Alíbág fifteen acres of *kharíf* and fifteen acres of garden. I have seven *raháts* and one *mot*

in my garden land. Fifteen years ago we freely got what wood was necessary for Persian wheels. The restrictions in the way of our obtaining wood are increasing year by year. No wood can be obtained now unless it is paid for at the market rate. I have received information that in the village of Chaul in eleven gardens ($13\frac{9}{80}$ acres), the garden cultivation has been abandoned on account of the difficulties in the way of obtaining wood for Persian wheels. I can also say of my own knowledge that in fifty per cent. of the gardens of Nágaon and Ákshi, garden cultivation has been given up for the same reason. I have in my possession documents which show that before 1875 it was usual for Government to give permission to the garden cultivators to obtain wood for wells and Persian wheels, either free or at reduced rates. I know that some of them who have obtained wood on such favourable terms are well-to-do men. In 1875 Government by their Resolution No. 1710, dated 24th March, restricted these grants only to those who were unable to buy on account of poverty. Even this rule was cancelled two or three years later and no one is now allowed wood gratis for the purpose. I know of no order formally cancelling the rule, but it is certain that in practice no free wood is given. If the Rule of 1875 had been kept in force the garden cultivation would not have been given up. Fencing thorns could formerly be obtained free. Some years ago a fee of four annas per cart was charged; this rate has now been increased to Re. 1 (*vide* Government Resolution No. 4214, dated 4th June 1883). The price of fencing thorns comes up very nearly to the assessment of the land. As the people cannot afford to pay this high fee, they are cutting *bor* or other thorny trees out of their lands to provide fencing materials. *Kárvi*, which is used as supports for betel vines, was formerly allowed to be removed free. It has now to be bought. I produce certain documents to show what the selling and letting values of the gardens of Ashtágar are :—

1. Eight years ago one cocoanut and betel-garden measuring 1 acre and $23\frac{3}{4}$ *gunthás* assessed at Rs. 19 was sold for Rs. 1,700.
2. Eighteen years ago another garden measuring 1 acre and $4\frac{3}{4}$ *gunthás* assessed at Rs. 1-12-0 was sold for Rs. 799.
3. Fifteen years ago a third garden measuring 5 acres and $15\frac{3}{4}$ *gunthás* assessed at Rs. 57 was sold for Rs. 4,611. This same garden was let on a lease of nine years in August last for Rs. 275 a year.
4. In June 1885 one garden measuring 2 acres and $12\frac{3}{4}$ *gunihás* assessed at Rs. 27-13-0 was sublet on seven years' lease for Rs. 140 cash and Rs. 5 in shape of fruit per annum.
5. In the same year another garden measuring 1 acre and $4\frac{1}{2}$ *gunthás* assessed at Rs. 11 was sublet on seven years' lease for Rs. 60 per annum.

The restrictions with regard to forest produce and A'bkári Regulations have in recent years prejudicially affected the rents of garden lands to the extent of fifty per cent. and the selling value has been reduced in the same proportion. I say this from my own experience as a garden-owner. I cannot now produce any documents in support of this assertion, but would do so here after if required. The cost of putting up a Persian wheel, paying at the market rate for all materials, is about Rs. 80. For five years the wheel costs about a rupee for repairs every year and in the next seven years, about 4 or 5 rupees a year. After twelve years a new wheel would be necessary. It may be said that the annual charge of keeping a Persian wheel in working order, including the initial capital cost, is about Rs. 10 a year. Of this Rs. $2\frac{1}{2}$ may be taken as the cost of labour and the rest, the cost of material. Owing to the scarcity of forest material for *ráb*, *kuta* is greatly used in lieu of *ráb*. This has greatly increased the demand for it, and hence its price also. The garden lands are principally manured with *kuta* and oil-cake.

Lands in *khoti* and *khálsa* villages set apart for grazing, in which the people's right to cut *táhál* was admitted by the Survey, have been included in the Reserved forest and the people have been stopped from lopping trees therein. As illustrations of this I produce the papers in the following cases :—

In the *khoti* village of Kolhan, *táluka* Mángaon, survey No. 96 was set apart for grazing and *táhál* cutting. The *shera* on the *sud* runs as follows : *Rán rakshanácha ason rayatechi táhál todnechi vahivát áhe va ságáshiváya guxcharnichi* (sic), (though set apart for forest preservation people have the user of cutting *táhál* except of teak, and of grazing). This number has been included in the reserved forests. On 1st March 1884, the Forest Settlement Officer decided that neither the people nor the *khot* had any rights in the land. He held that *ráb* cutting and grazing were mere concessions by Government, and not rights. In appeal the Collector on 26th September 1884 confirmed the Settlement Officer's decision as regards *ráb* cutting and grazing. He admitted the *khot's* right to one-third of the teak produce but refused to revive the condition in Dr. Gibson's agreement about pruning on the ground that it had been held to be injurious. The *khot* claimed a hereditary right to prune teak under a specific clause to that effect in the agreement. In the agreement made, the condition was made by Government that the rayats should get for *ráb* the branches. Mr. Keyser refused to acknowledge the right of the *khot* to prune at all; and the rayats therefore have incidentally suffered thereby.

In the village of Rahátade, survey No. 160 was set apart for free grazing and *táhál* cutting. The *shera* in the *sud* opposite the number is—*ránrakshan, gure mophat chárávi*

(Forest preservation, cattle to be grwzed free), *Ságván shiváya karun táhál todáva* (*Táhál* may be cut except that of teak). Survey No. 172 was endorsed simply as Government forest. These numbers have now been included in the Reserved forest and the Forest Settlement Officer has found that the people have no rights in them.

In 1872 some of the *khots* of Mángaon applied for distinct permission to lop trees for *táhál* in all the waste numbers which were recorded in the *suds* as set apart for grazing or forest. Upon this the Collector, under date 5th February 1873, passed an interim order that till the matter was finally decided the people were to act up to their *vahivát*. I have reason to believe that the Conservator of Forests objected to such lopping and thereupon the case was referred to the Survey Commissioner, who stated that whether the *shera* allowing *táhál* loppings was recorded in the *sud* or not, the people were given to understand at the time of the settlement that they were to use the waste numbers in the village for *kavaltha*. In 1884 we applied to the Collector to be supplied with a copy of the final order in the case, but our request was refused. I put in Vernacular *jávak* No. 99, dated 30th June 1884.

In the village of Takarde in Mángaon, survey No. 56 (70 acres 13 *gunthás*) was set apart for grazing and Government forest. The *khot* claimed that it should be entered as *khot nisbat* as it was under cultivation. His request was refused as that was the only number in the village set apart for forest, &c. This land has since been reserved and declared by the Forest Settlement Officer to be unburdened with any rights.

In the village of Sándoshi, areas were marked off for *dalhi, khoti nisbat, gurcharan, parigh, &c.*, at the time of the Survey Settlement. The *jangal kharda* and the map now produced will show this. This being the case the *sud* shows that all these numbers have been thrown into one and endorsed as Government forest. I presume this has been done subsequent to the Survey Settlement and without the consent of the parties concerned. This land has now been included in the Reserved forest and declared to be unburdened with any rights on the authority of the endorsement in the Register. I ask that the Commission should verify this by reference to the Survey Department.

7th May 1886.

Survey No. 191 in the village of Sirsád, *táluka* Mángaon, was formerly part of a *dhára* holding. At the Survey it was set apart for free grazing and protection of forest, *ránrakshan karun gure mophat chárávi*. It has now been included in the Reserved forest and the people have been prohibited from taking *táhál* or grass. The village cattle are not even allowed to graze there.

In the above-mentioned village, Survey No. 194 which was entered by the Survey for free grazing has been since included in the Reserved forest and the people have been deprived of the right of taking *táhál* and grass. In his No. 10, dated 21st October 1872, the Revenue Commissioner, N. D., allowed *táhál* and grass from the lands set apart for grazing. In 1862 when certain people asked for such numbers to be made over to them, the Superintendent of Survey gave them to understand that they were at liberty to remove *táhál* as before.

I hold that Ellis' rules are not applicable to the villages in Pen, Roha, Mángaon and Mahád, which are governed by Dunlop's proclamation of 1824. Government Resolutions No. 1240, dated 24th March 1868, and No. 2095, dated 27th May 1868, will support my view. Notwithstanding this, in 1881 one Hari Janárdan Dev, who holds *dhára* lands in Pen, was criminally prosecuted for cutting Government teak out of his *málki* numbers (*kavli* land) without permission, but the case was ultimately compromised under Section 67 of the Forest Act by paying Rs. 1,149-14-7 as the price of 240 trees and Rs. 50 as damages. I hold that *kavli* lands are *dhára* lands.

I hold that Dunlop's proclamation applies to all occupied lands in the Southern Konkan, whether *khoti* or *dhára*. In appeal No. 541 of 1862 the District Judge of Thána ruled in a suit brought by one Bálkrishna Soyaro Tipnis against the Conservator of Forests, that the wood in *khoti* lands belonged to the *khot* under the proclamation of 1824. I also refer to the case reported at 8 Bombay High Court Report I, A.C.J. (the Collector of Ratnágiri *vs.* Venkatráv Náráyan Surve).

A new clause (11) has been inserted in the *kabuláyats* required to be executed by the *khots* to the effect that the *dhárekaris* have no right to the teak and blackwood growing on their lands and whenever such trees would be felled one-third of the price only will go to the *dhárekari*. This clause was first inserted in 1869-70. Before 1880, the rayats could freely take *táhál* from all waste lands including what was set apart as *sarkári rán* at the Survey. On the 26th April 1880 the Collector of Kolába issued a circular restricting for the first time the people's right to cut *táhál*. It stopped all *táhál* cutting in the Imperial forest demarcated by the Survey Department in the *tálukás* of Pen, Roha, Mángaon and Mahád, and in all other forests for five years after any felling that may take place in them. In Alíbág only such portions were to be open for *ráb* as would be selected by the Forest Officer. Twenty kinds of shrubs, &c., were specified as *ráb* trees. Loppings of teak in *málki* numbers were allowed, provided the trees were pruned as laid down. Residents of forest villages were to exercise the privilege of *ráb* cutting within their village limits only. After

this another circular modifying the above was issued in 1883. This was issued on the authority of Government Resolution No. 1203, dated 14th February 1883. It allowed *táhál* cutting from ten specified kinds of bushes and another similar brushwood. It enumerated also the other privileges allowed generally to the forest villages. It allowed the removal of grass reeds and dead leaves.

The majority of the cultivators ignore these restrictions and fetch *táhál* just the same as before. A few who wish to avoid possible trouble, buy *kuta* and use it in lieu of *táhál*. The remarks I made about the rise of price in *kuta* apply only to the coast garden villages.

8th May 1886.

I refer the Commission to Exhibit No. 41 of the Kolába Forest Memorial to the address of the Viceroy, from which it will be seen that wood for agricultural implements was permitted to be cut from the Government forests in 1847. I produce a copy of Circular Order, No. 112, date 11th May 1865, issued by the Collector of Kolába, laying down the rules under which the rayats were to be allowed wood for building and agricultural purposes. Fuel and fencing materials were allowed to be removed without permission. The circular relates only to wood required for local consumption and not for sale.

I produce a *tákid* No. 92, dated 27th January 1873, from the forest inspector of Alíbág allowing a resident of Chaul to take twelve cart-loads of firewood from the jungle of Máhán. There are other *tákids* forthcoming, from which it appears that residents of non-forest villages were permitted on application to take firewood from the forests of other villages.

On 19th April 1874 the Assistant Conservator of Forests, Kolába, issued a proclamation restricting the privilege of removal of firewood *free* of charge to the residents of forest villages only. The inhabitants of non-forest villages were to remove firewood on payment of stipulated fees. The Kátkaris, Kolis, &c., were prohibited from removing wood for sale without payment of fees. All wood removed for trade was to pay double duty in addition. This order was based on Government Resolution No. 1281, dated 12th March 1874. The scale of fees fixed for residents of non-forest villages was 4 annas per cart, 1 anna per bullock-load, and 3 pies per head-load. The rate of fees has since been increased. I think the inhabitants of non-forest villages should be relieved of this burden of payment of fees on account of firewood. The distribution of tree-growth in the Kolába District is as follows :—

Alíbág	*táluka,*	¼th	of villages contain jungle.
Pen	„	¾th	ditto.
Roha	„	¾th	ditto.
Mángaon	„	½	ditto.
Mahád	„	½	ditto.

I hold that the following irregularities have been committed in connection with forest settlements :—

1*st.*—Lands notified under Section 4 were specified by survey numbers. This is not a sufficient description of the land as required by the Act.

2*nd.*—Although at the time of the Survey no *jáhirnáma* was issued reserving any trees in waste lands, and although such lands were then set apart for *táhál* cutting and grazing, the tree-growth in such lands is now reserved to Government under forest restrictions.

3*rd.*—The Settlement Officer disregarding the fact that certain lands had been assigned at the Survey for *táhál* and grazing, held that the people had no rights in such lands. I hold that these rights could not be interfered with till the expiration of the Survey.

The Revenue Survey was introduced in the *tálukás* of Pen, Alíbág and Roha before the passing of Act I of 1865. Regulation XVII of 1827 was then in force. As the people of the said districts had then been in the enjoyment of the forest produce, such as wood for building and agricultural purposes, fuel, *rán,* and grass, for upwards of 60 years, I hold that they had acquired a prescriptive right to the use of the forests and Government could not summarily deprive them of such rights. In Mángaon and Mahád the Survey was introduced after the passing of Act I of 1865, but the Regulation XVII continued to be in force till rescinded by the Land Revenue Code. Therefore what I have said above of Pen, Alíbág and Roha applies to Mángaon and Mahád. The utmost that Government can do, is to levy assessment on the waste lands assigned at the Survey for village use by parcelling it out to individuals. Government has right to teak, blackwood and sandalwood, but to no other trees in waste lands. The Settlement Officer has in some cases quoted an executive order of Government as authority for holding that removal of fuel, *táhál* and grass are privileges and not rights. The Government Resolutions quoted in the Forest Settlement Officer's decision are No. 4919, dated 15th September 1879, paragraph 8, and No. 2206, dated 26th April 1880, paragraph 3. In one case the Forest Settlement Officer recorded his decision in 1880, two years afterwards his successor supplemented and communicated it to the parties concerned. I put in a copy (*vide* Exhibit No. 7). The Government Resolutions quoted do not form part of the proceedings and the request of some of the claimants who applied for copies of he same in order to offer rebutting evidence was refused by the Settlement Officer.

In one case the Collector of Kolába rejected an appeal on the decision of the Forest Settlement Officer without giving notice of hearing to the appellant (*vide tákid* dated 6th September 1884, printed as exhibit to Mr. Keyser's statement in Part III.).

On 31st March 1883, the Settlement Officer informed the *khots* that the agreements entered into by Dr. Gibson were only binding during the lifetime of the executors of those agreements, and that the condition in the annual *kabuláyats* about the conservation of the forest by the *khots* on their receiving one-third of the produce, was terminable at the pleasure of Government. No authority for this communication is quoted. I hold it was irregular for the Forest Settlement Officer to decide upon such a question. On this subject of the rights of the people in forest lands I request the attention of the Commission to a case of the Madras High Court reported at page 175, Vol. IX, Part IV.

I put in an order (*vide* Exhibit No. 8) from Dr. Gibson, No. 6, dated 19th February 1850, to the *mámlatdár* of Rájpuri, to show how the clause declaring the agreement to be without prejudice to any rights to teak, which Government might hereafter admit came to be inserted.

I draw the attention of the Commission to Government letter No. 775, dated 4th March 1839, which is appended to the printed memorial. This will show that the prohibition to cut teak timber which had been enforced by the Peshwas was removed on the accession of the British Government and subsequently reimposed. To make this decision acceptable to the *khots*, provision was inserted in Dr. Gibson's *kabuláyats* to allow the *khots* one-third of the produce. I ask that the Government should declare the right of the people to firewood, *táhál*, grass and grazing by revising the decisions of the Settlement Officers. The ten kinds of shrubs which are allowed for *táhál* will not suffice. All trees at any rate but teak should be allowed to be lopped. It will never pay to cultivate if *táhál* has to be bought. No specially reduced rates were applied to the cultivable lands in non-forest villages. This shows that the Survey Officers assumed that the cultivators of forest and non-forest villages would get their *rább*-supply equally. Wood for building purposes should be given to the poor under the rules of 1875. The cultivators should get the wood required for agricultural implements. No fees should be charged for thorns. Even if fees were directed to be levied their payment will always be evaded. The cultivation of *dalhi* by cutting shrubs and bushes should be permitted. The promise given to the Kátkaris in 1860 which is at present disregarded should be carried out. There should be no restriction of cutting in *dhára* numbers and *málki* numbers in *khálsa* villages. The unpopularity of the forest administration is due to the misbehaviour of the low paid forest subordinates. The management of the forests should be vested in the Collector and the Forest Officer should act as his assistant. The actual work of conservancy should be carried out by means of the subordinate revenue establishment with increased strength if necessary. The village officers should be entrusted with the protection of the forest within their limits. No alterations in people's rights should be effected without giving due notice to them.

10th May 1886.

The Táluka Boards and the principal men of each district should be consulted through the Collector before any new rules affecting the forest arrangements are sanctioned. The *dalhi* cultivation was permitted during the last 2 years but the people were punished on the ground that they injured the trees. There are two kinds of *dalhi:* one in which large trees are felled and burnt, the other in which all trees useful as timber are carefully left standing and only the brushwood is cut, spread and burnt. I think the Government is quite right in strictly prohibiting the former kind of *dalhi*, but the latter is unobjectionable and should be allowed everywhere. Instead of injuring timber trees, it does them good. The cultivation of *varkas* is necessary, because the rice lands are not sufficient in area to support population in the Kolába District. I have satisfied myself by personal inspection that the condition of the Kátkaris is miserable. Their houses are hardly large enough for a man to enter into. They have little or no property. Once I found all the children collected in the houses waiting for the return of their parents to give them food. I admit that Kátkaris have always lived in this wretched manner, but they did not suffer from scarcity of food when *dalhi* was permitted. They are now driven to theft. The promise given by Government at the Survey that they should be allowed half an acre free of assessment per family has not been carried out. Certain survey numbers in Pen *táluka* which were given to Dhangars, Gavlis and Thákurs at the Survey, have since been proposed to be reserved under the Forest Act. In one case, where such land had been transferred to one Lakshman Náráyan Bhágvat by sale, he has been permitted to cut trees on his land. I ask that the lands of the other people may be left uninterfered with. Even if the trees are reserved, the people have still the right to cultivate or graze. If these lands are included in the Reserved forest, the Demarcation Officer might allow cultivation and grazing in the lands, but such user would not be in the exercise of their right by the people but as a mere concession, which one officer may grant and his successor might revoke. The Forest Settlement Officer has in his decision of the village of Bámangaon, *táluka* Alíbág, noted in support of his decision that the people have no right to remove fuel from the forest, from the fact that before taking firewood they were required to obtain permits. I hold this to be wrong as the permits were only intended to regulate and prevent abuse of cutting. I hold

that the people have the easement right to obtain fuel from the forests. Wood cut and sold in the district should not be charged any thing, but duty may be charged when wood is exported outside the district. Facilities should be afforded to the people to obtain what timber they require by permits. This would be economical to Government, and the people would get what they want at a moderate instead of the high price they have to pay at present to the contractors. I wish the Commission to advocate the alterations in the Forest Act suggested in the Kolába memorial.

By the Commission,

The gardens I have referred to as abandoned on account of difficulties in getting materials for Persian wheels are cocoanut and betelnut gardens. The only reason for abandonment of their gardens is inability to purchase wood for wheels. Manure has to be bought also and cattle have to be fed. I cannot calculate exactly what the annual expenditure on Persian wheels would be, if the materials were got free. It would save about Rs. 5-8-0 a year. But the real difficulty is that a cultivator having to renew his wheel has not the capital to buy the materials. Under the present system he has to pay Rs. 80 for the materials. If he got them free he would only pay Rs. 15 to the carpenter for making the wheel. The labour of bringing the wood from forests would cost him nothing. I know of no case where an owner of fruit bearing cocoanut and betel-palms has sold his garden because he could not get materials for renewing his Persian wheel. Advances (*tagái*) have never, as far as I know, been given for this purpose. Owners are unwilling to sell gardens because their houses are on the land. I have given instances above (4 and 5) of two gardens being let for respectively Rs. 140 and Rs. 60 within the last year. Had there been no forest and *ábkári* restrictions the rent would have been in each case about double. I see nothing surprising in the fact that a garden should let for ten times the annual assessment because even at that rate the owners only get a fair interest on capital expended. I cannot give an estimate of the gross produce of such gardens. I have stated that the village cattle are not even allowed to graze in Survey No. 191 of Sirsád, *táluka* Mángaon, on the authority of a statement made to me by one Hari Námchand. I have not verified his statement. I have confidence in his word. I am not aware of any regular prohibition against grazing in this and other similar lands having been issued; but my informant above mentioned told me that the guards prevented the people taking their cattle into such lands. I consider that Dunlop's proclamation applied to the *whole* of the Southern Konkan, as *all* land at that time was occupied. By "occupied" I mean both land actually held for cultivation and lands over which people had user for grazing and cutting *táhál*, &c. The only lands I consider unoccupied were the forest lands of Tudil and Vinher. All the *varkas* lands were assessed, a lump payment for *varkas* cultivation being taken for each village. When I said above that rights recognised at the Survey could not be interfered with till the expiration of the Survey, I did not mean that they could be interfered with at the expiration of the Survey. It is stated in a printed exhibit to the Kolába Memorial to the Viceroy, that Government regret that the prohibition against cutting teak, which existed under the Peshwa's time, was publicly removed on the accession of the British Government. The 'public removal' alluded to, I understand, to be the Dunlop proclamation. I know of no other 'public removal' of the prohibition applying to any territory not coming within the scope of the Dunlop proclamation. I have said above that the people have rights in all the waste lands however described as assigned at the Survey. These rights are individual in the case of *kás kavaltha* lands, and in all other cases communal.

Q.—But you say also that the utmost Government can do is to levy assessment on the waste lands assigned at the Survey for villagers' use by parcelling it out to individuals. How would a parcelling out to individuals of land over which communities have communal rights be consistent with the exercise of the latter rights?

A.—At the Survey such lands have been parcelled out to individuals.

Q.—Was this procedure generally objected to?

A.—Not when the allotment was made with every one's consent. If one individual got a large waste number, and others got none, the community would be dissatisfied.

Q.—Do you deny that the proprietary right in waste lands vests in the State?

A.—If there is waste land over which no one exercises any right or user, such land is the property of the State. Before Section 37 of the Land Revenue Code became law, nothing except Tudil and Vinher, perhaps some hill forts in the South Konkan, were State property.

Q.—Are you aware that in the Pendse Case the High Court has stated that it must be considered as being settled law that all waste lands belong to the State and that *varkas* lands must be regarded as to all intents and purposes waste lands?

A.—Yes, but I am not prepared to state how far in my opinion it applies.

Q.—Are you aware that in the same case the High Court has stated that *a profit a prendre* in another's soil cannot be claimed by custom however ancient, uniform and clear the exercise of that custom may have been, and that an unlimited *profit a prendre* in another's soil cannot be claimed by prescription?

A.—I do not think the principle thus laid down to be applicable to our case, as our rights have been recognised in the Survey papers.

I think the cutting of trees in occupied lands should be placed under restrictions. Occupants should be allowed to cut freely for domestic and agricultural requirements. If trees are cut for sale, permission should be obtained in order that inquiry might be made as to whether the quantity proposed to be cut, could be cut without reckless destruction of supply needed for agricultural and domestic wants. If he cuts in spite of refusal or abuses the permission, he should be deprived of his rights to use the forests. The *málki* lands containing trees are held by only a few individuals. Fellings from such numbers and from Government forests are equally complained against by the people, because it diminishes their wood-supply. There is no complaint by tenants that their supply of *táhál* is diminished by the clearing of trees in occupied lands, but they get in consequence less wood for all other purposes.

WITNESS No. 21—(PANVEL *Táluka*).

29th April 1886.

RÁVJI BIN MAHÁDU BHAGAT, a Thákur, labourer, aged 45, residing at Karambeli in the Panvel Táluka stated in reply to questions

By the Secretary, Thána Forest Association,

There are twenty-five Thákurs' houses in Karambeli. I do not hold any land but some of the Thákurs do. Last year I cultivated a patch of land in the Government *kuran*. Many others cultivated similarly. We were fined Re. 1 each. Last year we were informed by a *Sáheb* at Panvel that we might cultivate in the *kuran*, but we were fined on the ground that we cut and burnt down some of the trees standing on the ground. The *Sáheb* said he would come and point out the ground which we were to cultivate, but as he did not visit the village, we cleared a piece in the *kuran* and cultivated it. I have heard the petition, dated 10th November 1885 just read to me. It is signed by me and 21 other Thákurs. We are preparing the ground again this year for cultivation. We have not passed any *kabuláyats*, but we have always cultivated in the same number. The ground now assigned for *dalhi* is not sufficient. I beg that more land may be set apart for this purpose from the forests.

By the Commission,

Grown up timber trees can be taken care of when burning the ground for *dalhi* cultivation, but it is impossible to preserve young saplings from destruction. Timber trees are meant, I understand, to include teak, blackwood, *ain*, *hedu* and *kalamb*.

WITNESS No. 22—(PANVEL *Táluka*).

29th Appril 1886.

ARJUN BIN GAN P'ATIL, an Ágri, cultivator, aged 45, residing at Váje, Táluka Panvel, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold four acres of rice land and 1¼ acres of *varkas*, some of which is situated in Váje and the rest in Vájepur. I pay Rs. 18 as assessment to Government. I cultivate my own land. I also cultivate three acres belonging to another person in Vájepur. There is no *varkas* plot assigned to me with this land. The owner may have *varkas* assigned to him by Government but I am not sure. When a holder has *varkas* land, he generally allows the use of it by his sub-tenants. In the case of the land which is sub-let to me I never inquired whether it had any *varkas* attached to it. The *varkas* that I hold only produces grass; there are no trees in it. I obtain my *ráb* materials from the Government forests. The loppings of *nána, kalamb, ain, ukshi, dháyati, phángla* and *bondára* are used for *ráb*. Of these varieties *ain, bondára* and *nána* predominate in our jungle. I have six head of cattle. As I have no one to send after the cattle, I get very little cow-dung collected. The droppings of cattle when at home are partly used for *ráb* and partly for other domestic purposes. The cow-dung used for *ráb* is just sufficient to burn a *ráb* bed of three *páilis* of seed. The *gurcharan* lands of Váje and Vájepur are insufficient for the cattle of the two villages. The *gurcharan* of Vájepur is hardly sufficient for ten head of cattle. The village cattle are not allowed to be driven to the forest lands to graze. The guards object to the cattle being driven to the forests. We get our supply of wood for agricultural implements from the

Government forest. Ploughs are made of *khair* and *koshimb, halis* of *dhâman, jukâd* of *shivan* or *nâna, kâvli* of *dhâvda* and *rumni* of either teak, *kumbhi* or *nâna*. Three spare pieces of ploughs are always required to be kept in stock so that no interruption to work may take place. The plough requires to be renewed about three times in a year, the other parts last for a year or two. We obtain our fuel also from the Government forest; we cut green wood for the purpose. The dead wood alone would not be sufficient. Except teak and blackwood, we cut all other trees for fuel. I am aware that Government have prohibited this cutting, but we bribe the guards and they allow us to cut what we want. We have to pay at the rate of two annas for every *koyta* or bill hook taken into the forest. About a fortnight ago I paid four annas for myself and my wife to the forest guard named Muhammad Tairi; the second guard Râma also accompanied him. The contribution was levied from all the villages at the time. This system of levying contributions has been in force 7 or 8 years. The guards levy the fees twice a year, once in the hot season, to allow the fuel and *râb* materials being removed, and a second time in the cold season for allowing cattle to graze and also for removing the fuel. The cultivators of some 10 or 12 villages resort to the forest of Vâjepur for fuel, *tâhâl*, grazing and wood for agricultural implements. The Vâjepur people do not object to their forest being used by other people.

By the Commission,

The grazing of the forest has not been sold by Government. The grazing of a *parigh* number which is not in forest is sold and has always been sold by auction. We never complained to the superior forest officers that we had to fee the forest guards for allowing our cattle to graze in the forest. I am not aware that by bribing the guards I was committing a criminal offence.

WITNESS No. 23—(PANVEL *Táluka*).

29th April 1886.

GOJU KUKÁJEE GAVLI, cultivator and cowherd, aged 55, residing at Apta in the Panvel Táluka, stated in reply to questions

By the Secretary, Thána Forest Association,

Apta is an *inám* village. At the time when I and other villagers petitioned about the jungle of that village, they were under the Government management. The jungle has since been handed over to the *inámdár* and we have no cause of complaint now on that head.

WITNESS No. 24—(PANVEL *Táluka*).

29th April 1886.

MAHOMED IBRÁHIM VALAD MAHOMED HUSEN PÁTIL, a Musalman, trader, aged 34, residing at Panvel, stated in reply to questions

By the Secretary, Thána Forest Association,

The petition read to me was submitted by me. I am not aware that the reservation of all trees except teak and blackwood has been since removed by the orders of Government. If this is the case, all objections, except as regards teak and blackwood, will be removed. I claim the teak and blackwood in my *málki* numbers. If they were offered to me for sale by Government, I should not buy them as I claim them of right. I hold altogether about 550 acres of *varkas* land. Of this I acquired about 150 acres eight years ago from Dhangars, Thákurs and Bráhmans; the rest was acquired by my father. I do not know when and how. I trade in wood. I bought the 150 acres of *varkas* to make profit out of the trees growing thereon. Where there are no trees, I let the land for cultivation. I let about fifty acres every year. My tenants get their *râb* from my *varkas* lands which are covered with trees. I have to pay Rs. 150 as assessment to Government on account of *varkas*. I export *injâili* wood to Bombay, most of it as *kita* or firewood, but also *nâna, hed, kalamb* and *ain* as rafters. I hold seventy-five acres of rice. I let it all out. My tenants get their *râb* from my *varkas* whenever available. In villages where I do not possess *varkas*, they fetch from any where they can. My tenants do not complain of my cutting the *injâili* trees for sale. The *râb*-supply is not diminished because I do not cut all at once. I cut from two to four hundred candies a year. I have about forty or fifty tenants. None of them are of more than fifteen years' standing. The value of *kita* wood on the spot is about 12 annas for green and Rs. 1¼ for dry wood. The usual *makta* or rent of *varkas* land is about one maund of *nâgli* per acre. I do not export any grass to Bombay. My lands are about ten miles from

the bunder. I keep the grass on my *varkas* for my cattle. I also allow the cattle of my tenants to graze there. I do not prevent the tenants from lopping any particular kinds of trees for *táhál*. I instruct them not to cut the top shoots. They do not disobey my injunctions. My servants, four or five in number, also see that my injunctions are carried out.

WITNESS NO. 25—(PANVEL *Táluka*).

30th April 1886.

BÁBÁJI KRISHNA'JI, a Marátha, cultivator, aged 70, residing at Lonivli in Panvel Táluka, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold forty-five acres of rice and 150 acres of *varkas* land in six different villages of Panvel and Karjat. I hold some land in Vájepur which is a forest village. I cultivate in person about fifteen acres of *kharíf* in Lonivli. I let all the other land to tenants. Of my *kharíf* land I have acquired twenty acres since the Survey. I obtained about fifteen acres of *khap* or *varkas* with this *kharíf* area. I have also acquired waste *varkas* lands from Government to the extent of about 100 acres after the introduction of the Survey. I got these lands for the use of my cattle. They are sparsely covered with vegetation. The *táhál* supply available from my *varkas* lands is not sufficient for my *kharíf*. It has to be supplemented from the forest of Vájepur. It has been customary with us to get *táhál* from that jungle. We had cattle-sheds erected in that jungle at one time, but they were removed twenty or twenty-five years ago when the forest conservancy commenced. The loppings of all trees except teak and blackwood are removed for *ráb*. *Ain, nána, bondga, dhávda* and *hed* are considered the best materials for *ráb*, while *ukshi, dháyati, karvand, phángli* and *kuda* are considered as inferior *ráb* materials. About twenty years ago, I could not manage to burn the seed-beds with *ráb*. I therefore on two occasions raised seedlings by manuring the plot with oil-cake. The result was indifferent seedlings and a poor crop. Where I ordinarily got one candy of paddy, I could get only five to seven maunds. The cost of manuring with oil-cake the seed-bed for one acre of rice field is about Rs. 5. I have come to the conclusion that *táhál ráb* is essential for the rice cultivation in this district. I keep thirty-five head of cattle in all. Some twenty are kept at home in Lonivli and the others at Máchi. The Lonivli cattle are driven to the pasture lands during the monsoon months. The cow-dung collected during the remaining eight months suffices for burning the seed-beds of about three acres. About twenty years ago I had about eighty head of cattle; they gradually got reduced. I do not buy new cattle on account of difficulties of grazing created by occupation of more area for cultivation and the conservation of forests. When I had the full number of cattle, I could get sufficient cow-dung to burn the *ráb* beds for ten or twelve acres of *kharíf*. When I let my *kharíf* lands, I also hand over the *khap* plots attached to them to the tenants. My tenants are allowed to take what *táhál* they can from my *varkas* lands. I let four or five acres of my *varkas* in Máchi for cultivation by the Thákurs. They get the *táhál* from my *varkas* and also the cow-dung of my cattle that are kept in Máchi. I have five ploughs working, but I have always to keep ten or twelve spare pieces. My *varkas* lands sometimes yield the wood necessary for the ploughs; at other times I have to resort to the Vájepur forest for it. My tenants similarly obtain what they can from my *varkas* and fetch the rest from the jungle. I require about twenty-five cart-loads of firewood every year. Some of it I get from my *varkas* and I obtain the rest from the Vájepur forest, either by sending my servants to fetch or by buying head-loads from the Thákurs. The price of a head-load varies from 1½ to 2 annas. Survey No. 153 in Lonivli is our village grazing ground. Most of it is now included in the Reserved or Protected forest. Ever since the Survey we have been using this number for grazing, fuel, a wood for building and agricultural purposes. When the whole number was open to us almost all the wants of the village were met by it. In rare cases the villagers resorted to the Vájepur forest. Since the inclusion of the number into the forest, the guards have been objecting to our grazing cattle there; but as a matter of fact, our cattle still graze in the number; they have never been impounded, nor has the grazing been sold by auction. At the time of the Survey seven *varkas* numbers measuring 300 acres were taken up by one individual and about 150 acres by other persons. Except survey No. 153 there is no other land now available for village use. It is therefore necessary that it should be disforested and made available for village use as before. The seven numbers above alluded to were taken up by one man on behalf of the whole village. The villagers took up this land for the purpose of grazing their cattle by sharing the assessment among themselves. This arrangement lasted for ten or twelve years; but as the grass rose in value, the man in whose name the land was entered in the Government account, refused to abide by the old arrangement and claimed the land to himself. We made no claim in the civil court on the subject, for the registered occupant silences the more influential villagers by allowing them to use the land.

By the Commission,

When I said I had eighty head of cattle twenty years ago, it was before the division in my family. In that division the family property including the cattle was divided into five equal shares. Each of the brothers got sixteen head of cattle for his share. My cattle have since been doubled. I never cut any wood out of my *varkas* for sale.

WITNESS No. 26—(PANVEL *Táluka*).

30th April 1886.

NA'RA'YAN HARI PA'TANKAR, a Bráhman, cultivator and money-lender, aged 50, residing at Chikhli, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold sixty acres of *kharíf* and forty acres of *varkas* in six villages. I pay Rs. 275 as annual assessment to Government. I hold some land in Vájepur, which is a forest village. Of my land, twenty acres of *kharíf* and about the same area of *varkas* attached to it have been acquired since the Survey. There are a few trees in the *varkas* of Vájepur. I cultivate in person about eight acres of rice land and let the rest to the tenants. The *pot varkas* is transferred to the tenants with the *kharíf*. I obtain my *táhál* supply from the forest of Vájepur. I remove the loppings of *ain*, &c., from the Vájepur forest to burn the *ráb* beds in Chikhli. I do not know of any circular orders of 1883 authorising certain kinds of bushes and shrubs for *ráb*. The area of rice cultivation in Vájepur is sixty-five acres. The loppings of the shrubs now enumerated in the circular as just read to me would not suffice for the rice cultivation of the village. They are besides very inferior *ráb* materials; they do not burn the soil well and the seedlings grown are not so vigorous as they should be. They are used only to supplement the loppings of *ain* and other trees. I keep thirty head of cattle. The number of my cattle has decreased within the last fifteen years. I had then seventy head of cattle, big and small. The cattle are starved for want of sufficient pasturage. In Vájepur, where my cattle are generally kept, some grazing lands were given away to the people at the Survey who cut and remove the grass to Bombay. The remaining pasture land has been thrown into the forest; and as the trees increase the grass supply diminishes. Ever since the Survey the village cattle have always grazed in the number which has now been turned into Reserved forest. They graze there even now. The guards raise objections, but the cattle have never been impounded, nor has the grazing been sold by auction at any time. We obtained *táhál*, fuel and wood for agricultural implements from the same forest. The inhabitants of seven or eight villages used it besides. The Vájepur people never objected to the outsiders coming to their forest. The guards do not allow us to make use of the forest as before. Last year some loppings of *ain* and such trees spread on the *ráb* beds were attached and removed. They were never returned to the people. I do not export any grass to Bombay. Those who export their grass to Bombay drive their cattle to the Government forest to graze. I do not think they act properly in this. They might fairly be prevented from selling their grass and thus falling back upon the Government forest for feeding their cattle and for obtaining grass for *ráb*. The owners of the *varkas* lands have in many instances cut and removed the trees from their numbers.

By the Commission,

I formerly cultivated about fifteen acres of rice land in person.

WITNESS No. 27—(PANVEL *Táluka*).

1st May 1886.

VÁSUDEO SHRIPAT, a Káyasth Parbhu, money-lender and cultivator, aged 49 residing at Sái, Táluka Panvel, stated in reply to questions

By the Secretary, Thána Forest Association,

I hold land in Panvel and Pen *tálukás* of the Kolába District and Karjat and Bhivandi of the Thána District. I hold 400 acres of rice, sweet and salt and 100 acres of *varkas*. Of this fourteen acres of sweet and four acres of salt rice and fifteen acres of *varkas* are in the village of Sái. I pay Rs. 1,425 to Government as assessment. There are no trees of any size on my *varkas* piece in Sái. There are a few *ukshi* bushes which yield about twenty-five head-loads of *ráb* every year. I obtain my *táhál*-supply from the forest of Sái, Karnála and Hadamba. It is customary for the inhabitants of one village to resort to the forests of another village for *táhál* and other agricultual wood, when their own lands do not afford

the necessary supply. The people of forest villages do not object to such *vahivát* on the part of other villages. There are instances in which Government specially protected the rights of non-forest villages when alienating the proprietary right to the forest villages. The case of the village of Ránsai is in point. The *khoti* of the village was granted to one Mahomed Ibráhim by the British Government in 1832. In paragraph 10 of the title-deed relating to this grant the right of the outsiders (*pargávche lok*) to take away fuel as was customary has been specially protected. In 1852 the Sadar Adálat confirmed a decree of the *munsif* of Panvel by which he had held as established the right of the villagers of Koproli to graze their cattle in the lands of Harigrám. During the last seven or eight years the people of non-forest villages have been stopped from resorting to the neighbouring forests. The people have also been deprived of their common lands by their being marked off and given away for cultivation at the time of the Survey. Notwithstanding the prohibition, the people of non-forest villages still resort to the principal forests of the *táluka* such as Ránsai, Karnála Kálhe, &c., for forest produce. Some lands formerly included in the forests have lately been disforested, but we have not been benefited much, as a few of the lands are useful for cattle to stand upon, but the rest are salt marshes, stony hills and so on. The object of the disforestation seems to be simply giving up of land which was of no use to the forest. In the disforestment the convenience of the people does not appear to have been consulted. It would be no inconvenience to the people if the disforested area were again included in the forest. Except the salt marshes, the isolated patches and patches near village sites are useful to the villagers. Buffaloes get some little grazing in the salt marshes. There are no mangroves in the salt lands of Sái, Digháti, Kelavne, Vácheni, Avre, Koproli, Pirkone, Páli, Gavthane, Kalambhusre and Chirner. I am aware of the notification dated 6th August 1885 declaring certain areas to be reserved under Section 19 of the Forest Act. The inclusion of these areas under forests will seriously inconvenience the people of the villages concerned, as they will thereby be deprived of the very land from which they obtained their *táhál* and firewood. There is a large felling of *kita* now going on in the forest of Kálhe. I believe the contractor has agreed to fell 10,000 candies. All the wood is being exported to Bombay. This will deprive the people of the villages, who are dependent upon Kálhe forest, of the wood necessary for their agricultural and domestic purposes. The wood that is now being removed as *kita* is useful as building timber. My house is built of the same sort of wood. Grass is exported to Bombay from the *málki* numbers of Sái, Digháti, Karnála, Chirner, Kalambhusre, Káli and Kelavne. Those people who hold *varkas* lands greatly in excess of their requirements export their grass. There are about twelve or fifteen persons who hold such grass lands in the ten or twelve villages in the neighbourhood of Sái. Before the *varkas* numbers were marked off, they were part of the common land and were used by the village community for grazing and other purposes.

No. 28.

Summary of Replies to Questions forwarded by the Forest Commission to the Mámlatdárs in the Kolába District.

Q. 1.—When was the Revenue Settlement introduced in the different villages of your *táluka?* Put in a copy of orders issued by the Settling Officer containing the terms of the Settlement.

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"Revenue Settlement was introduced in the Alibág *táluka* as under :—

56	villages were	settled in	1852-53.
65	do.	do.	1856-57.
60	do.	do.	1857-58.
15	do.	do.	1860-61.
1	do.	do.	1862-63.
1	do.	do.	1863-64.
198			

6 *Inám* villages wherein no Survey Settlement has as yet been introduced.

204

Thus the total number of the villages in this *táluka* is 204, of which 198 are as shown above settled, and the remaining 6 that are not settled are all of them *inám* villages. A part of the so-called *khárepát* portion of the *táluka* was settled in the first Survey, but the period of settlement expired in 1871-72 and consequently that portion (*khárepát*) was re-surveyed in 1872-73; but the period of the new settlement has been made to coincide with the settlement of the remaining portions of the *táluka*. Copies of the orders of the Settlement Officers and the Survey Superintendent that are forthcoming on the records of this office are appended as required (*vide* Exhibits Nos. 9 and 10)."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen states that the Survey Settlement was introduced in the different villages of his *táluka* between 1857-58 and 1883-84 as detailed below :—

In 1 *sharákati* and 90 *khálsa* villages of the *subha* division and 8 *sharákati* and 52 *khálsa* villages of the *peta* in 1857-58.

In 23 *khoti* villages of the *subha* and *peta* division in 1861-62.

In 14 villages transferred to *subha* division from Panvel *táluka* in 1856-57.

In 14 villages transferred to *subha* division from Karjat *táluka* in 1854-55.

In 1 village in the *subha* division in 1877-78.

In 2 *inám* villages in the *subha* division in 1883-84.

He further states :—"The order containing the terms of the Survey Settlement is not forthcoming, but the joint rules were printed and published in connection with the Survey operations, and mention was made regarding rights over trees in the form of the notification which was given in the rules passed under Act I of 1865."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"There are 152 villages in this *táluka*. Of these, three are *inám* and are surveyed. In the remaining 149 villages the Revenue Settlement was introduced in the years shown below :—

No. of Villages.	Year in which the Settlement was introduced.
*4	1856-57
12	1861-62
127	1862-63
4	1865-66
2	1870-71
149	

No order issued by the settling officer containing the terms of the settlement could be traced on the records of this office. In connection with the settlement an order No. 206 of 17th July 1863 from the Sub-Collector of Kolába to the *mámlatdár* is found on the

*These four villages were transferred from Alibág to Roha in 1866-67.

records. Its copy is appended. But in this the *mámlatdár* is only directed to inform the rayats that a cess of one anna on every rupee assessable to the land revenue under the settlement, would be levied from 1863-64 for the purposes of local improvement."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states:—"The Revenue Settlement of the *táluka* took place as follows:—

Of 188 villages in 1865-66.
Of 60 villages in 1866-67.

No orders of the settling officer containing a systematic statement of the terms of the settlement can be found on the *táluka* records."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states:—"A list[1] showing at what time the Revenue Survey Settlement was introduced in the different villages of this (Panvel) *táluka* is attached. Copies of three different orders issued by the settling officers are also attached herewith (*vide* Exhibit No. 11)."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states:—"The Survey Settlement was not introduced in the same year in all the villages of this *táluka*. Formerly there were three *petás*, Nizámpur, Goregaon and Tale, which were abolished in the year 1869-70 and amalgamated into a *táluka*. Of these, in Nizámpur the Survey Settlement was introduced in the year 1861-62, whereas in the remaining two *petás* it was introduced in 1865-66. There is no order forthcoming on the records containing the terms of the settlement."

Q. 2.—On what conditions was the *varkas* land made use of by the people, before the Survey, for *ráb* and hill-grain cultivation?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states:—"All *varkas* lands in the villages of this *táluka* (excepting the *bágáyat* and *khárepát* portion of the *táluka*) were made use of by the people for *ráb* and hill-grain cultivation without any restrictions whatever before the Revenue Survey. They got *táhál* and grass unobstructedly from the forests. The rate of assessment per *bigha* of *varkas* land *used for cultivation* was one rupee."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen states:—"Before the Survey, the people used to cut side branches of *injáili* trees in their *varkas* lands as they liked for the purpose of *ráb*. Some people used to lop trees for *ráb* on the land in the *vahivát* of others; and others used to cut *táhál*, without restriction, of trees in whatever place they found suitable. No *varkas* land was allotted for *nágli* cultivation. People cultivated hill-grains such as *nágli, vari,* &c., wherever they liked; and the land so cultivated was measured and assessment levied on it at the rate of Re. 1 per *bigha* under circular orders. In some villages *varkas* land had been allotted to some people for hill-grain cultivation under leases by the late Government. Thákurs cultivated *dalhi* for which assessment was levied on cultivated plots irrespective of acreage."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states:—"Before the Survey, people were allowed to use the *varkas* land that was in their own *vahivát* for *ráb* unconditionally. But they were not permitted to take branches and tree loppings from the land that was not in their *vahivát*."

"Before the Survey, there were some *varkas dhárekaris* who used to pay a fixed rent for *varkas* cultivation, and used to cultivate as much *varkas* land in their villages as they wished. In other words, *dhára* bore no fixed proportion to the area cultivated. If persons other than *varkas dhárekaris* cultivated *varkas* in *khálsa* villages they were required to pay rent at the rate of one rupee per *bigha*, and if they cultivated *varkas* in *khoti* villages they gave to the *khots* as rent one-third of the crop appraised by them."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states:—"No documentary evidence can be found on the *táluka* records showing the conditions on which the *varkas* land was used by the people before the Survey. From enquiries made it appears that the occupants in the *khálsa* villages as distinguished from *khoti* villages and *dhárekari* occupants in *khoti* villages had definite assignment of lands which were neither surveyed nor measured but whose measure was the Government revenue fixed in kind. These lands were heritable and transferable property and could be sold or otherwise alienated by the occupants. In *khoti* villages all *varkas* land except that of the *dhárekaris* was *khoti* land. The *khoti* tenants had no land assignments, nor could they sell or in any way dispose of the *khoti* land. Their connection with it was simply cultivation. They were allowed to cultivate any piece of

---

[1] There are 278 villages in the Panvel *táluka* including the *peta*. The Survey Settlement was introduced
in 169 villages in 1856-57,
in 45 villages in 1858-59,
in 7 *isáphat* villages in 1859-60,
in 1 village in 1861-62,
in 18 villages in 1866-67,
in 1 village in 1867-68 and
in 1 village in 1883-84.
The Survey Settlement has not yet been introduced in 36 *inám* villages in the *táluka*.

land they found suitable and were taxed by the *khot* at ⅓rd of the estimated produce settled after a rough survey called *abhowni*. If the *dhárekaris* in *khálsa* villages cultivated *varkas* land other than their own *dhára* land, they were taxed one rupee per *bigha*. The *khoti* tenants were charged nothing, if they used the *varkas* land only for *ráb* purposes. The *dhárekarís* however had their *varkas dhára* fixed in kind and whether they cultivated the *varkas* land or simply used it for *ráb* purposes had to pay it."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states:—"Before the introduction of the Survey, the *varkas* land was used for hill-grain cultivation without permission. At the end of each monsoon, the land brought under cultivation was measured and assessed at Re. 1 per acre as ascertained from the records. There is no order extant regarding any restrictions as to *ráb*. It is ascertained that people used to take *táhál gratis* for *ráb* from it."

Ráv Sáheb S. G. Soman, Mámlatdár, of Mángaon, states:—"Before the Survey, the system with regard to such lands prevailing in *khálsa* villages was somewhat different from the one obtaining in *khoti* villages. In *khálsa* villages, the *dhárekaris* used to hold *varkas* land for purposes of *ráb* for which however they were never required to pay anything over and above what they paid on account of their *kharíf* holdings, whether the *varkas* piece be brought under cultivation or let lie waste. The same system prevailed with regard to *dhára* lands in *khoti* villages. But the case was a little different in respect of *khoti* lands. The occupants of such lands (*kharíf* and *varkas*) never paid anything in addition to what they had to pay to the *khot* on account of their *kharíf* holdings, unless they made some kind of cultivation in the *varkas* piece, in which case it was customary to fine by a *panchávat* after observing the state of the crop the amount of rent payable in kind by the occupant. With regard to *dhára* lands in *khálsa* villages, it is only the registered occupants who were exempted from additional payment on account of their *varkas* holdings. But if the same were cultivated by any other occupants, they had, since the year 1842-43, to pay a lump sum of 16 annas independently of what extent of *varkas* land they cultivated, whereas before 1842-43 they had to pay in kind whatever might be fixed upon by the *panchás* after seeing the condition of the crops. Another condition attached to such holdings was, that the occupants had no authority to sell them except with the permission of the Collector as per his order No. 57, dated the 29th January 1852."

"In hilly places, the *dalhi* cultivation used to be freely made before the year 1847. Since then till the year 1856-57 *dalhi* cultivation was permitted on condition that no large trees should be lopped. In the year 1856, a general order was issued by the Collector prohibiting hill-grain cultivation in places where there was an abundance of teak, blackwood and timber wood. In 1861-62 it was altogether prohibited on the ground that it would otherwise prejudicially affect the neighbouring forests."

Q. 3.—How was it treated at the Survey? Was all the land in the *vahivát* of the people either for *ráb* or for hill-grain (*nágli*) cultivation measured off and entered in the names of individuals?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states:—"All this *varkas* land was measured off at the Survey and entered in the names of individuals in whose *vahivát* the different parts of the same were for *ráb* and *nágli* cultivation. Occupied *varkas* lands were assessed while some of the remaining left unassessed, these latter being set aside for forest reservation, cattle grazing, &c. No special arrangements were, however, made for those that had no *varkas* lands of their own at the Survey."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states:—"The original Survey operations were confined to measuring *kharíf* lands. The *varkas* land in the *vahivát* of the people was not measured off and entered in the names of individuals. Some of the *varkas* land in the villages was roughly broken into separate numbers and assessed by the Survey officers. This land is described as *khapáchi* in the Survey *suds*. The rest of the *varkas* land has been left as unassessed. In the year of the introduction of the Survey the regular annual *jamábandi* was also effected by the Survey Department. At this *jamábandi*, a paper known as *jangal kharda* was drawn up. In this the lands were entered in the names of the several occupants and the amount payable by each of them was fixed. They continue to be so entered up to this day."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states:—"At the time of the Survey the *varkas* lands in which there was forest, were set aside for forest, the lands in which there were a few trees, and which were unfit for cultivation, were set aside for *gayaráns*, and the remaining lands were entered in the names of those persons in whose *vahivát* they were either for *ráb* or for hill-grain cultivation. Thus some land (not all) in the *vahivát* of the people for *ráb* or for hill-grain cultivation was measured off and entered in the names of individuals."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states:—"There is no documentary evidence to be found on the *táluka* records to show how the *varkas* land was treated at the Survey. But from enquiries it appears that the *varkas* land was entered at the Survey in the names of those persons who were then found in occupation of it whether in *khálsa* or in *khoti* villages.

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—" At the time of the Survey the *varkas* land was measured, large tracts were set apart for *kuran*, of the remaining that in the *vahivát* of the people was registered in their respective names who accepted it willingly, and the rest was either turned into *parigh* or *gurcharan*."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—" The whole of such land was at the time of the Survey measured off and entered in the names of the former holders with a few exceptions, the exceptions being that some lands were included in forests."

Q. 4.—Were the unoccupied unassessed lands set aside for special purposes at the time of the Survey? If so, describe the exact entries made in the *suds* regarding such disposals.

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—" Some of the unoccupied and unassessed lands were set aside for special purposes at the time of the Survey with such remarks as the following against them in the *suds* :—

1. *Gurcharnikade mophat thevila áhe tyánt ságáche rán áhe tyáche rakshan karun gure mophat chárávi.* (Set apart for free grazing; cattle to be grazed free, preserving the teak forest in it.)

2. *Sadarhu nambar gurcharnikades gávche gurás mophat thevila áhe tyánt ságáchi jháde áhet tyánche sanrakshan chángle prakáre karáve áni lágvad konás karu deu naye.* (The said number is set apart for free grazing for village cattle; there are teak trees in it, which should be well taken care of, and no one should be allowed to cultivate it).

3. *Gurcharnikade.* (For grazing.)

4. *Hya jaminit koni lágvad kelyás ruliche kalam 13 pramáne mojun ákár ghetjáva.* (In case any body cultivated the land, it should be measured and assessment should be levied thereon under rule 13 of the rules.)

5. *Khájanákade.* (For marsh land.)

6. *Káhi shera náhi.* (No endorsement.)"

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states :—" At the *jamábandi* the Survey officers did not furnish this office with any record showing the disposition of the unoccupied unassessed land for special purposes. All land with the exception of the assessed land was left as unassessed *parigh*, which, it is understood, was subsequently assigned for special purposes. The following are the entries at present found in the village registers showing the special purposes for which the lands are set apart:—

1. *Ránrakshan karun gure mophat chárávi.* (Cattle to be grazed free, preserving the forest).

2. *Ságvan rakshan karun gávchi gure charnyás mophat thevila áhe.* (Set apart for free grazing for village cattle, preserving the teak.)

3. *Jangalche sanrakshan karun gure charnyás mophat thevila áhe.* (Set apart for free grazing, preserving the forest.)

4. *Jangalche sanrakshan karun gure mophat chárávi.* (Cattle to be grazed free, perserving the jungle.)

5. *Sarkári rán.* (Government forest.)

6. *Gávche rán.* (Village forest.)

7. *Sarkári oshik.* (Government waste.)

8. *Ságván ránákade thevila áhe.* (Set apart for teak forest.)

9. *Guránche vardalikade.* (Halting ground for cattle.)

10. *Gurcharnikade.* (For grazing.)

11. *Bindávyáchi.* (Unclaimed land.)

12. *Sadarhu jamin vantakyáche sambandháne dalhi lágvadis dili náhi sabab lágvad karu naye, jháde kápu naye, nambarás ránrakshanákade ase liháve.* (The land described above is not made available for *dalhi* cultivation on the *vantakka* system. Cultivation should not therefore be permitted; trees should not be cut down. The number should be endorsed as for *ránrakshan* (preservation of forest).

13. *Gure ubhi ráhanyákade mophat thevila áhe.* (Free for cattle to stand upon.)"

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"The following are the exact entries made in *suds* regarding the disposal of the unoccupied unassessed lands at the time of the Survey :—

1. *Mádráibaddal darsál liláv vahiváti pramáne karáve va jangaláche sanrakshan karáve.* (The palms to be annually sold by auction as usual, and the jungle to be preserved.)

2. *Gávche rán.* (Village forest.)

3. *Dalhi rán khot nisbat ántil jangaláche sanrakshan karáve.* (For *dalhi* cultivation through the *khots*; the jungle in it to be preserved.)

4. *Gurcharan.* (Grazing.)

5. *Ránrakshan karun gure mophat chárávi.* (Cattle may be grazed free, preserving the forest.)

6. *Khájanákade raháva.* (To remain as marsh land.)

7. *Khájan ; gure charnyás mophat.* (Marsh land ; cattle to graze free.)

8. *Ránrakshanácha ason yánt rayatlok yánchi táhál todnyáchi va gure chárnyáchi vahivát áhe ruju rán rakshan karun gure mophat chárávi.* (Though set apart for preservation of forest, the rayats have the *vahivát* or user of cutting *táhál* and grazing cattle in it.) The foregoing entry seems to have been cancelled by writing the word '*ruju*' and the following entry appears to have been substituted for it : Cattle to be grazed free, preserving the forest."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"All unoccupied unassessed land was set aside at the Survey for any of the following purposes :—

For (1) way, (2) forest, (3) grazing cattle, (4) tank, (5) river, (6) burning and burial grounds, and (7) village sites."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"At the time of the Survey unassessed unoccupied land was set apart for special purposes and the entries in the *suds* regarding such disposals are the following :—

Gurcharan (grazing ground), *kuran* (grass land), *masanvat*, (burning or burial ground), *gávthán* (village site)."

Ráv Sáheb, S. G. Soman, Mámlatdár of Mángaon, states :—"Some of these lands were set apart for special purposes at the time of the Survey with the following entries made against them in the survey registers :—

1. *Gurcharnikade mophat thevila áhe.* (Set apart for free grazing.)

2. *Ránrakshan karun gure mophat chárávi.* (Cattle to be grazed free, preserving the jungle.)

3. *Ránrakshankarun sarkári kolshyáche bhátis thevala.* (Set apart for Government charcoal burning, preserving the jungle.)

4. *Guránche vardalikade thevala.* (Halting ground for cattle.)

5. *Ránrakshanákade va táhál todáva ságáshiváya.* (For preservation of forest, and all trees except teak may be lopped for *ráb.*)

6. *Ránrakshanákade asun rayat lokánchi táhál todnyáchi va gure chárnyáchi vahivát áhe.* (Though set apart for forest preservation people have the *vahivát* of cutting *táhál* and grazing cattle in it.)

7. *Musalmánlokánche kabrasthánákade thevala áhe.* (Set apart for Mahomedan cemetery.)

8. *Sarkári kade, sahebánche tambu dene karita.* (For Government use as camping ground for tents of *sáhebs.*)

9. *A'mbaráiche rakshan karun gure mophat chárávi ; jháde mayat jháli asta sarkárátun leláv vháva.* (Cattle to be grazed free, preserving the mango grove ; if any of the trees die, the wood should be sold by auction by Government.)

10. *Meleli gure odhun táknyákade.* (Mhárs' land for disposing of the dead cattle.)

11. *Sarkári bandarákade sadarhu nambar sabandha padiche taktyás shera jhalya pramáne darsál bhui bhádyákade najare pramáne utpanna gheun denyákade.* (For Government port ; according to the endorsement made in the statement of whole unassessed waste numbers, this number to be let on fair ground rent.)"

Q. 5.—What area is cultivated with, (1) *táhál,* (2) cowdung *ráb,* and (3) *kuta* or fish manure ?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"In *khárepát, i.e.,* salt lands *ráb* is not required, while in all others *ráb* is required. The approximate areas of land prepared with different sorts of *ráb* are as under :—

	Acres.
With cowdung	10,000
With loppings of trees	35,000
Dry fish	2,000
Oil-cake	1,000
Without any sort of *ráb* (salt land)	12,000
Total cultivated land of the *táluka*	60,000*"

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states :—"It cannot be ascertained what area of land is cultivated with *táhál* or cowdung *ráb* and what with *kuta* or fish manure. The cultivators cultivate their land by using whatever *ráb* materials may be available to them. Those who have cattle of their own collect the droppings of their cattle for the

* Actual measurement, acres 59,423-4-0.

purpose of *ráb* for some portion of their land and for the remaining they obtain *táhál*, &c. Cowdung or *táhál* alone cannot be used for *ráb*, but each of these materials requires to be mixed with grass, straw, &c. *Kuta* or fish manure alone is used for *ráb* in those places only where other *ráb* materials are not available. I am informed that it is also used to supplement the other *ráb* materials. *Ráb* is not required at all for some salt lands lying near the creeks. The crops are raised there by sowing the seed broad-cast. Cowdung and *táhál* are indispensable for *ráb*. For first class *kharíf* land a seed bed of two *gunthás* per acre is sufficient, whereas seed beds, of six *gunthás* per acre are necessary in the case of inferior lands."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"It is supposed that about one-sixteenth part of the whole area cultivated is manured with cowdung *ráb;* the rest is manured with *táhál*. Fish manure is not used in this *táluka*."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"All these three kinds of manure are in use in the *táluka*, but the areas cultivated with each of them cannot be separately ascertained. I do not feel competent to make an approximate estimate."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"The area of land cultivated with the different kinds of *ráb* can hardly be stated exactly. Generally speaking, the following proportions may be fixed :—

35	per cent.	by cowdung.
55	do.	*táhál*.
5	do.	*kuta* (fish manure).
5	do.	*pend* (oil-cake)."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"*Kuta* or fish manure is very seldom used for *ráb* in this *táluka*. *Táhál* and cowdung are chiefly used; and the area cultivated with cowdung is about 50,192 acres, whereas that cultivated with *táhál* is about 77,017 acres."

Q. 6.—Give a succinct history of the trees in occupied lands since the Survey, quoting orders in support of your statements.

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"The property of trees of all sorts except teak, blackwood, and sandalwood in occupied lands was made over to the occupants since the Survey by Act I of 1865. In support of this concession a copy of an order issued by the Survey Superintendent at the time of introducing the settlement and making 'the joint rules' applicable to this *táluka*, has been appended. This concession has been confirmed by Section 40 of the Land Revenue Code of 1879. Some further restrictions have, however, been put upon the occupants, &c., by rules 91 to 98 of the Land Revenue Code, but no special reservations about trees in occupied lands have been made in this *táluka* since the publication of those rules."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states :—"Since the Survey occupants of survey numbers have enjoyed the right of cutting all trees except the reserved ones, *viz.*, teak, blackwood and sandalwood trees. No change appears to have taken place in this practice. The after-shoots of teak trees cut by Government are allowed to be felled with permission."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—Since the Survey the trees in occupied lands with the exception of teak, blackwood and sandal-wood trees, have been treated as the property of the occupants under the authority of Kolába Circular No. 33 of 15th November 1862, based on the Commissioner, N. D.'s letter No 2545 of 13th October 1862 and the Thána Collector's letter No. 2449 of 5th November following."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"The trees except teak, sandal and blackwood standing in *dhára* lands have been considered to belong to the holders of *dhara* lands and those in *khoti* lands with the same exceptions to the *khots*. In *khoti* villages the *khots* have undertaken to protect these excepted trees, for which service they are to receive ⅓rd of the net produce of these trees when they are felled by Government (*vide* Exhibits Nos. 12 and 13, being extracts from *kabuláyats* passed by *khots*). In *kabuláyats* for some villages it must be stated, no conditions regarding trees are at all to be found."

"A notification was published on 1st March 1824 by Mr. Dunlop, then Collector of Southern Konkan, whereby the property over teak, blackwood and other good trees was given to the rayat (*vide* Exhibit No 14). I came to Konkan in 1882 and since then have not found this notification acted up to. The reason must be that it was superseded by subsequent orders of Government which I cannot find or quote but whose summed up effect appears to have been embodied in the *khoti kabuláyats* whose extracts are appended (*vide* Exhibits Nos. 12 and 13)."

"Very recently Government Resolution No. 4126 of 21st May 1885, Revenue Department, was received at the *táluka*, which acknowledged the ownership of the rayats over teak trees growing on lands which have been in the possession of the rayats for at least 30 years."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"In paragraph 3 of the order No 218, dated 16th June 1857, copy of which is appended (*vide* Exhibit No 11), issued by the settling officer, it is distinctly laid down that the occupants of land have the right of

cutting trees in it, except teak, blackwood, *ain*, &c., at the disposal of Dr. Gibson, the Conservator. Thus up to the year 1881 people used to cut all the trees except teak and blackwood, and the word &c. had in fact no meaning in practice. In November 1882 Mr. Mulock issued an order to prohibit the cutting of 14 special kinds, basing his order upon the conclusion arrived at by the Forest Settlement officer upon inquiry. From this time the cutting of the 14 forbidden kinds mentioned in the said order in *málki* numbers ceased, till the Collector of Kolába in his order No 30, dated 19th November 1885, clearly ordered that only teak and blackwood and others coming under Section 40 of the Land Revenue Code, are Government trees in *málki* numbers. This gave the people liberty to cut any trees in *málki* numbers except those coming under the section. The two orders are attached herewith."

Ráv Sáheb S. G. Soman, Mámlatdár, of Mángaon, states (with reference to *khot* villages) :—"Formerly this *táluka* consisted of three *petás*, Nizámpur, Goregaon and Tale. In Nizámpur all *khots* without exception have passed *kabuláyats* tenable for 30 years. In Goregaon *peta* some have passed *kabuláyats* tenable for 27 years, while others pass annual *kabuláyats*; whereas in Tale *peta* all *khots* without exception pass annual *kabuláyats*. The clause regarding tree rights in all these is the same. Government have abandoned their rights to all *injáili* wood in *dhára* lands and lands owned by the people in favour of their owners." With reference to *khálsa* villages he states :—"The registered occupant is the owner of the *injáili* wood in his occupancy. Before the Survey, no one was allowed to cut teak wood and large timber trees in his land. But at the time of the Survey, the prohibition was limited to teak wood alone. In the year 1867, it was proclaimed for general information under orders received from the Revenue Commissioner, No. 1643, dated 16th April 1867, that teak, sandal and sisoo have been reserved by Government to themselves. In the same year, certain rules were framed by the Conservator of Forests regarding the lopping of branches of teak trees and they were of this character that the top branches should not be lopped off; that branches of particular size alone might be lopped, &c.; and the people used to lop off branches of teak with a strict observance of these rules till about the year 1879-80. Since then such loppings have ceased. But there is nothing forthcoming on records to show whether the people ceased to do it of their own accord or under orders from any authority. In the year 1868 a Government Resolution was passed, No. 2505, dated 1st July, granting a proprietary right to the second growth to the occupants. In 1870 the practice of parting with the Government right to the original teak trees for 12 annas per tree began. In the year 1874, it was ruled by the Conservator of Forests that the people should obtain permission before cutting the second growth. In the year 1875 there was a litigation against Government in the Civil Court in the Ratnágiri Collectorate, brought by one Atmárám Nilkanth, urging that the proprietary right to the teak trees in his *málki* numbers belonged to him and the case was decided in favour of the litigant. Whereupon a reference was made by the Collector to the Conservator of Forests enquiring whether that decision should be considered to have a general application. The question was referred to Government for orders and it was decided in a Resolution No. 6646, dated 27th November 1875, that Government were in a position to establish their rights to teak trees in a court of justice and that therefore the pretended rights of the people to the same should not be recognized."

Q. 7.—Have the *málki* numbers been cleared, to the detriment of the cultivating tenants' interests, by the Survey occupants, *dhárekaris* and *khots*?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"There is no *khoti* village in this *táluka*. *Dhárekaris*, *i.e.*, those that pay the fixed assessment on their lands directly to the Government, do cut off *injáili* trees in their *málki* numbers at their own will when they are in need of the same. But in most cases, it no way appears that they have done so to the detriment of the interests of the cultivating tenants. Only in any particular case an extremely poor tenant, having no prospect on account of his poverty of retaining the possession of his lands might possibly be found to have denuded his land of all the trees in it so as to leave the cultivating tenants in difficulty to find *ráb* material for cultivating their lands. But such cases are few and far between."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, writes :—"The cultivating tenants' rights and interests are not affected in the least by *málki* numbers being cleared by the Survey occupants, *khots* and *dhárekaris*, as the former have no proprietary right over land, which vests in Survey occupants and *dhárekaris*, who give their land for cultivation to whatever tenants they like. The *khots* cut the trees in their *málki* and *khoti* lands. The *khots* have no proprietary right over survey numbers in the occupation of *dhárekaris* in the *khoti* villages. The survey occupants, *dhárekaris* and *khots*, cut the trees with due regard to the provision for *ráb*."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"Many *málki* numbers have been cleared by the survey occupants, *dhárekaris* and *khots*. This clearance must have temporarily affected the interests of the cultivating tenants so far as the *ráb* supply is concerned."

Ráv Sáheb Hari Rámchandra, Mámlátdar of Mahád, states in reply to questions Nos. 7 and 8 :—"Influenced by the physical appearance of *málki varkas* lands, I think that they have been indifferently cleared, but to my knowledge there are no complaints by the sub-

tenants that their cultivation has been prejudiced by this action of the survey occupants, *dhárekaris* or *khots*."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, writes in answer to question No. 7 :—"That the survey occupants cut the trees in *málki* numbers without regard to the necessity of *rán* to their tenants is certain."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"They have not been so cleared."

Q. 8.—Do the sub-tenants complain that the trees which afford them their *rán* supply are being cut and sold by the land-holders?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, writes :—"No complaint has ever been made to me by any sub-tenant about the owners of *málki* numbers having cleared them of all trees necessary and useful for *rán*."

Ráv Sáheb Antáji Krishna, Mámlatdár, of Pen, writes :—"I have not received any complaint from the sub-tenants to the effect that the trees which afford them their *rán* supply are being cut and sold by the land-holders."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"No complaints have been received from sub-tenants that the trees which afford them their *rán* supply are being cut and sold by the land-holders."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, has answered this question above (*vide* his answer to question No. 7).

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, writes :—"The tenants perhaps conscious of the futility of their complaints have never thought of complaining against it."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"No complaint of this kind has been heard of till now."

Q. 9.—If such cuttings have increased in recent years, to what cause are they ascribable?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, writes :—"Before the passing of the Forest Act the rayats were allowed to bring wood for fuel and material for *rán* from the Government waste and forest numbers; but from the time this permission was stopped the people had to rest satisfied with what they obtained from their *málki* numbers, and consequently have recourse to making greater amount of cuttings in them. Increased poverty in general is the second cause for this increased amount of cuttings in *málki* numbers."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, writes :—"The felling of wood in *málki* numbers has been increasing day by day partly on account of the increased demand for wood in Bombay and partly to meet the wants of the people who have been prohibited from cutting wood in Government forest on account of strict forest conservancy."

Ráv Sáheb G. R. Sáne Mámlatdár of Roha, states :—"Such cuttings have increased in recent years. They are ascribable to the following causes :—

(*a*) The period for which the present assessment is fixed will shortly expire, and rayats entertain doubts whether on the expiration of this period their right to trees will be admitted by Government.

(*b*) As the forest demarcation is begun, rayats are afraid that if their land is demarcated as forest, they will lose their land and also the trees standing in it."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"I cannot say that these cuttings have increased recently. Hitherto nobody was permitted to cut teak trees, but recently under Government Resolution quoted in answer to question 6 and possibly some other Government Resolutions not sent to the *táluka* office the Collector accords permission to cut teak trees which are second growth in *dhára* lands. And as the rayat has no confidence that this concession will be enduring they have at present taken to teak cutting very recklessly."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, writes :—"The reason why such cuttings are gradually increasing is that there is no other means of getting timber or firewood. The forests are closed against them, and they have only to prey upon their *málki* lands for their necessities."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"The cuttings have no doubt increased latterly and the reason appears to be that the people have begun to doubt very much whether their ownership over *injáili* wood will be recognized in future years."

Q. 10.—Do you consider that the State interference in the tree-growth in *málki* numbers, that is, occupied *varkas* lands, should cease?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"The State interference in *málki* numbers is practically confined to teak, blackwood and sandal wood, the reserved sorts, and that interference is partially at least quite necessary, since if that were totally removed those *málki* numbers would in a very short time be wholly denuded of their trees and not a single tree would then be left standing in them. Proper use of the trees growing in *málki* numbers may be allowed to their owners, but under suitable restrictions."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, writes:—"I think that Government should not interfere with trees in *málki varkas* survey numbers. After Government have ceased to interfere with the tree-growth in *málki varkas* land, that is, occupied *málki* numbers, people will consider the forest in those numbers to be their own and will be inclined to allow the trees to grow large instead of cutting them when small as they do at present."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states:—"The State interference in the tree-growth in *málki* numbers, that is, occupied *varkas* lands, is necessary."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states:—"I consider that there should be no State interference in the tree-growth in *málki* numbers, that is, occupied *varkas* land. When general confidence gains ground in the public mind that State interference has altogether ceased never to revive again, I believe the feeling of property in the trees will create the necessary wood supply in *málki* numbers."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states:—"I am humbly of opinion that Government should not interfere with the right of occupants in the trees in *málki* numbers. If Government were to take at their disposal all the trees, both in Government forests and in *málki* numbers, the evils from want of timber and firewood would be abundant. There are hundreds of people who cannot possibly afford to buy it."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states:—"Such interference is desirable under certain restrictions, as otherwise there will be indiscriminate cutting of trees by the holders."

Q. 11.—Would you propose any restrictions which could practically be enforced so as to check the indiscriminate cutting of *ráb* trees by the land-holders?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, writes:—"The following are some of the restrictions that can practically be enforced so as to check the indiscriminate cuttings of *ráb* trees by land-holders in their *málki* numbers:—

(*a*) No *ráb* tree which is not of a specified girth or age be allowed to be cut from the bottom.

(*b*) Whenever a *ráb* tree is cut under the first mentioned restriction, two or more such or of any other kinds of trees must be planted and reared in its place by the occupant.

(*c*) Lopping of such trees for *ráb* purposes must be allowed by halves every alternate year, so that the growth of such trees may not be stunted.

(*d*) Whenever such trees are lopped for trade purposes the occupant must show that he has satisfied the third (*c*) restriction and that he has got sufficient for his own wants. Besides such occupant may not be allowed to get such materials (for *ráb*) from Government forests."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states:—"The inconsiderate way in which the land-holders cut trees useful for *ráb* purposes should be put a stop to; but as *táhál* is absolutely necessary for growing seedlings, some trees may be allowed to be lopped for this purpose. I am of opinion that all trees of crooked and stunted growth in *málki* numbers may be allowed to be lopped for *táhál*, but the promising timber trees should be preserved."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states:—"In order to check the indiscriminate cutting of *ráb* trees by the land-holders, it should be ruled that land-holders should not cut trees without obtaining the permission of the *mámlatdár*. Such permission should be given on two conditions, viz.:—(1) that trees not exceeding 12 inches in circumference should not be cut and (2) that 25 per cent of the remaining trees should be reserved. If this is done there will always be trees in the land for the purposes of *ráb*, &c."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states:—"It is difficult, perhaps even impossible, to place restrictions which can be practically enforced, without supplying petty officials a means of extortion, so as to check the indiscriminate cutting of trees by the land-holders and for this reason, among others, I have given it as my opinion in my answer to question No. 10 that State interference regarding trees in *málki* numbers should entirely cease."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, writes:—"I am of opinion that occupants should have full right over the trees in their numbers, and after mature deliberation I find that consistently with such right, no restriction could be imposed as would practically be enforced. Any restriction will impair the right of the land-holders. They have their own interest involved as land in which trees for *ráb* are standing fetches a higher bid from tenants than that in which the trees are cut, and this interest will be a sufficient safeguard against indiscriminate cutting."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states:—"Land-holders should not be allowed to cut trees for purposes of trade without special permission. But they may make a free use of the trees for their own domestic and agricultural purposes."

Q. 12.—What trees and shrubs are principally lopped for *táhál* in your *táluka*?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alíbág, gives the names of the following trees and shrubs "that are principally lopped for *táhál*" in his *táluka* :—

Karvand, páranga, chikni, ukshi, kálákuda, sherani, phángli, bhendi, dháyati, torni, umbar, kuda, palas, bokháda, kurab and *ambni.*

"But in addition to all these it may be said as a general rule that the loppings of all *injáili* trees, whether timber or firewood, are made use of for *táhál* on account of the general scarcity of wood in some parts of the *táluka.*"

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states :—"All *injáili* trees, excepting of course mango, jack and other fruit trees, are lopped for *táhál* in this *táluka* (Pen). *Hed, kalam, dhávda, dhávti, nána, ukshi, karvandi, ain, &c.*, are especially lopped for *ráb.*"

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"The trees principally lopped for *táhál* are *ain, kinjal* and *kuda ;* branches of teak and blackwood trees are also occasionally used for *ráb.*

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"The following trees and shrubs are principally lopped for *táhál* in the Mahád *táluka* :—

Ain, kinjal, kuda, bagoli, dhávat, pángali, karandi, vávading, palas, teak, *hedu, nána* and *ásána.*"

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, writes :—"For *táhál* all kinds of trees are used. No kinds are spared."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"The trees and shrubs which are principally cut for *ráb* are the following :—

Ain, kinjal, nána, kuda, hed bondga, karvandi, ukshi and *dhávti.*"

Q. 13.—Give the history of forest demarcations in your *táluka.* When was the first attempt made by Government to conserve the forests? Were any lands set apart in *khoti, dhárekari* and *khálsa* villages for forests before the introduction of the Survey? How were such lands treated at the Survey? What demarcations have taken place since the Survey? Give areas, if possible

Ráv Sáheb A. R. Chitre, Mámlatdár of Alíbág, writes :—"There was some demarcation of the forests of the Alibág *táluka* in progress some 12 or 14 years ago, but no information of it is forthcoming on the records of this office. The work has been begun anew in 1884, but it has not been completed as yet and no orders on the subject have been received for the information and use of this office."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states :—"The forest demarcation work of the *táluka* has not yet been commenced. I gather from information that the work of conserving the forest was begun in 1837-38 when only teak trees were conserved. Afterwards people were prohibited to cut certain kinds of *injáili* trees. Before the Survey, lands were not set apart for forest in *khoti, dhárekari* and *khálsa* villages. Some portion of the land which remained unassessed at the Survey was measured off into separate numbers for forest."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"No demarcation has yet been effected in this *táluka.* In 1847 a peon was appointed to look after teak and blackwood trees in the *táluka.* This was the first attempt made by Government to reserve trees. No lands were set apart for forests before the introduction of the Survey."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"I cannot get information on the records of the Mahád *táluka* as to how and when the forests were first formed. But while I was at the neighbouring *táluka* of Mángaon, I had once to report on this subject to the Collector. A copy of that report is appended (*vide* Exhibit No. 15), as the account therein given may be considered to be applicable to this *táluka* also. From that copy it will be seen that forest land in each village was created by executive orders of Government and the same was recorded as forests during the Survey Settlement. It does not appear that though forests were formed long ago, any regular demarcation of them was made before. The Forest Settlement Officer, Kolába, has very recently demarcated the Mahád forests, but the result is not yet collected in one convenient form for reference. Therefore I cannot now give the areas."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"The first attempt made for the conservation of forests was in the year 1846, in which Government seeing the devastation of forests had drawn the attention of officers in the Revenue Department to protect the forests consistently with the existing rights of individuals. Copies of three orders relating to the subject are submitted herewith."

"No land seems to have been set apart for forest before the introduction of the Survey in any village. Nor any attempt seems to have been made to demarcate the forest till the

Act No. VII of 1878 was passed. After the passing of the Act some lands were notified in the *Government Gazette* as proposed forest. The work of settlement and demarcation is almost complete and the result is given in the statement submitted herewith."[1]

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states:—"The first demarcation was done in the year 1870-71, which was however not completed, but was done only in a few places. The demarcation work is in progress at present, but the area demarcated cannot be known. Before the Survey, no lands had been set apart for forests. It was only after the Survey that some lands which were found to contain thick jungle were set apart as forests."

Q. 14.—Give a full account of Dr. Gibson's *kabuláyats* with *khots* and other individuals for the protection of teak or the forests in general in *khoti, inámi, dhárekari* and other *khálsa* villages. To what extent are these *kabuláyats* still enforced? Give as samples certified copies of the *kabuláyats* containing the different conditions.

Ráv Sáheb A. R. Chitre, Mámlatdár of Alíbág, states:—"Nothing is forthcoming on the records of this office to show that any such agreement as is mentioned in Question No. 14 was passed in this *táluka*, consequently no such *kabuláyat* could be appended as required in the question."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states:—"There is no means to give a detailed account about the *kabuláyats* passed between Dr. Gibson and *khots* and others for the conservation of teak or the jungle in general in *khoti, inámi, dhárekari* and other *khálsa* villages, as the said *kabuláyats* are not forthcoming on the *táluka* record. Extract of two clauses relating to forest affairs, from the leases granted by the Superintendent of Survey to *khots*, is herewith forwarded (*vide* Exhibit No. 16)."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states:—"Dr. Gibson's *kabuláyats* with *khots* and other individuals are only for the protection of teak. They were taken in 1850 and in subsequent years. Under these *kabuláyats* the *khots* receive from Government one-third of the net sale proceeds of teak in their *khoti* villages and other individuals receive one-fourth of the net sale proceeds of teak in *khálsa* villages. *Inámdárs* did not give *kabuláyats* for *inám* villages to Dr. Gibson. In this *táluka* there are no pure *dhárekari* villages under the management of *khots*. The *kabuláyatdárs* bound themselves to do the following:—

(*a*) To lop teak trees between the months of *Shrávan* and *Mágh*; to hand over to Government pieces of wood of the circumference of a *potari* (calf of the leg) and four cubits in length; to leave uncut a main leading shoot (*shenda*) of each tree lopped; and to distribute small branches and leaves among the *kabuláyatdárs* and raytas according to *vahivát* (nothing or very little of this is now done by *kabuláyatdárs*).

(*b*) To report thefts of teak trees and to assist in discovering thieves; and to report if a tree fell down. (This is done by *kabuláyatdárs*.)

(1) *Kabuláyat* from Amritráo Rámchandra Vaidya.
(2) Order from Dr. Gibson to the Mámlatdár of Rájpuri, No. 6 of 19th February 1850, and the *kabuláyat* form which forms its accompaniment.

"The copies of documents marginally noted are appended."

Ráo Sáheb Hari Rámchandra, Mámlatdár of Mahád, states:—"I cannot find much official literature in the *táluka* records on the subject of Dr. Gibson's *kabuláyats* with the *khots*, &c., to enable me to give full account about them. I am informed that the work of *kakuláyats* was not performed through the agency of the *mámlatdár*. Copies of the *kabuláyats* are not on the *táluka* records."

"The *khots* and other *kabuláyatdárs* still, by themselves or their servants, protect the teak trees in their villages and are paid their dues by the Forest Department when the trees are felled."

"A copy of a counterpart of a *kabuláyat* that I could get from a *khot* is appended (*vide* Exhibit No. 17)."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states:—"No *kabuláyats* seem to have been made by Dr. Gibson with any individual in this *táluka*, either with a *khot* or an *inámdár* or any other individual, and hence no copy of such *kabuláyat* is sent."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states:—"No copy of Dr. Gibson's *kabuláyats*, &c., is forthcoming on the records of this office. A copy has been procured from a *khot* and appended hereto (*vide* Exhibit No. 18), which lays down certain restrictions under which loppings of branches are to be made by *khots*, and explains what share in kind the *khots* are entitled to when cuttings are made by Government, and the same is still in force with this modification that instead of their being paid in kind they are paid their due share in cash."

---

[1] From this statement it appears that by Notification No. 7579, dated 10th October 1883, there were 9,470 acres and 4 *gunthás* of Reserved and 3,083 acres and 37¼ *gunthás* of Protected forest, of which 1,290 acres and 36¼ *gunthás* in Reserved and 3,083 acres and 37¼ *gunthás* in Protected forest are taken from *gáirán* or *gurcharan* set apart at the time of the Survey.

Q. 15.—Give a copy of the annual *kabuláyats* passed by the *khots* in your *táluka.*

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág.—"There are no *khoti* villages in this *táluka,* and consequently no copies of annual *kabuláyats* can be given from this *táluka* as required."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen.—"The *kabuláyats* regarding *khoti* villages in the *táluka* are not executed annually but were passed for a definite period of 30 years or so."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"A copy of the *kabuláyat* given by the *khot* of Tise for the year 1885-86 is appended."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"A copy of an annual *kabuláyat* passed by the *khots* in the Mahád *táluka* is appended."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"There are no *khots* in this *táluka.* The village of Ránsai is sometimes regarded a *khoti* village, but the *khot* there is given a thirty years' lease and the land is assessed at the survey rates. There are seven *isáphat* villages. A copy of the settlement with them is herewith submitted."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, writes :—"The copy referred to is annexed herewith."—(*Vide* Exhibit No. 19.)

Q. 16.—Give a brief account of any *important* forest cases which may have been decided by the civil courts concerning the forests in *khoti* villages or in *dhára* holdings.

Ráv Sáheb A. R. Chitre, Mámlatdár of Alíbág, states :—"No important forest cases seem to have been instituted in or decided by the civil courts concerning the forests of this *táluka.*"

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen.—"No forest case concerning the forests in *dhára* holdings in the *táluka* appears to have been decided by a civil court. The High Court once decided a forest claim made by one Nágardás, *khot* of Pigonde (*vide* page 92 of Cordeaux's Compilation)."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"No papers regarding any important frest cases decided by the civil court could yet be traced on the records of this office.

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"I am not aware of any important civil court decision touching forests in *khoti* villages of Mahád."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"There are neither *khoti* nor *dhára* holdings in this *táluka* and therefore there was no occasion for a civil suit."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"No case of the kind referred to has been decided with respect to this *táluka.*"

Q. 17.—What is the population of the wild tribes in your *táluka* ? To what extent are they dependent on the jungle produce for their maintenance ? Are there any special reasons why they should be treated differently from the ordinary labouring population of the *táluka* in the matter of forest privileges ?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"The population of wild tribes in this *táluka* is according to the census of 1881 as follows :—

Thákurs...	...	...	..	138
Kátkaris	...	...	,,,	1,040
Dhangars	...	,,,	...	483
			Total ...	1,661

They are all of them very poor, have got no lands of their own and depend for their maintenance wholly on forests. Mostly they cultivate *dalhi* crops and maintain themselves on hill-grain or *nágli* cultivation. They collect dry wood and fruits in forests, sell these things in the surrounding villages and maintain themselves upon the proceeds thereof for about six months. A few of the Dhangars have got a few head of cattle each, which they graze on the hills which are included in the forests of the *táluka.* These tribes are therefore prevented from ever leaving the forests which are the chief places of obtaining their livelihood. They scarcely go elsewhere to obtain any other kind of work like other labouring classes. And for these reasons therefore it would be quite reasonable if they be treated differently from other ordinary labouring classes in the matter of these forest privileges.

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen.—"According to the census of 1881, the population of wild tribes in the *táluka* is as follows :—

Thákurs	...	...	...	2,307
Kátkaris	...	...	...	4,924
Dhangars	...	...	...	1,060
			Total ...	9,291

These men mostly subsist on jungle produce. During the cultivating season some of them eke out a living as agricultural labourers. During the remaining days of the year they maintain themselves by selling firewood, leaves, fruit, &c., which they fetch from the forest,

It is necessary to make some special provision by which these men will be able to obtain their means of livelihood. For this purpose they may be distinguished from the ordinary labouring classes of the *táluka*. Unless this were done, it is feared that they will either be reduced to starvation or be drawn to commit thefts, &c."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states.—"The population of the wild tribes in this *táluka* according to the census of 1881 is as under :—

	Males.	Females.	Total.
Kátkaris...	979	982	1,961
Thákurs	43	39	82
Total...	1,022	1,021	2,043

Under Government orders these people are permitted to cultivate 20 *gunthás* of land per head, rent-free, in a Government forest where there has been *vahivát* of cultivation. They have got no agricultural stock, and they cultivate very little land. They find stray jobs, and gather for sale firewood, edible fruits, roots, &c. They are not hardworking and cannot be honest regular labourers. They should be allowed to gather dead wood and wild fruits, roots and vegetables ; otherwise they will resort to dishonest means of livelihood."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"The population of wild tribes in the Mahád *táluka* is 794, of whom 393 are men and 401 are women. These are Kátkaris. Considering the total population of the *táluka* this number does not appear large. They however depend much upon forest produce for their livelihood. They bring from forests and sell firewood, mangoes, *karvands*, *ávale* and *palas*, *chaveni* and *ápta* leaves. But their number is not large, and as they show a tendency to settled life, I do not think that special forest privileges should be given them. The Forest Settlement Officer has recently proposed to give some of them *varkas* land for cultivation in the villages of Koturde, Parvádi and Váki."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"The population of wild tribes according to the census of 1881 is 7,290. These people, *viz.*, Dhangars, Kátkaris and Thákurs, are from time immemorial entirely dependent upon forest produce for their maintenance. They have no lands to cultivate. Living on the top of mountains, they are away from cities where only there is a chance of getting labour for the whole of the year. The Thákurs and Kátkaris bring dry wood, leaves and fruits from the forests and maintain themselves upon what can be realized from them. The Dhangars graze their cattle and sell milk and butter. Thus their state of living entitles them to certain privileges different from the main portion of the population."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"The only wild tribe in this *táluka* is that of Kátkaris, their number being 557. For four or five months of the year they maintain themselves by working in the field. For the remaining year, they solely depend on the jungle produce, having no other means of livelihood. They being a rude class of people, and unskilled labourers, people are generally averse from employing them as ordinary labourers or as domestic servants, and hence the necessity of granting them greater concessions with respect to forest than the ordinary labouring population."

Q. 18.—Can you give any idea as to the quantities of grass exported each year from your *táluka* ?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"The greater part of this *táluka* being *khárepát* and *bágáyat*, the remaining part where grass is possible to grow is not very extensive in area. Most of the grass that is however obtained is used in local consumption and about 1,000 cart-loads of grass, worth about Rs. 3,000, is annually exported to Bombay."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen.—"From information obtained it appears that about 64 lacs of bundles of grass were exported to Bombay from the *táluka* this year. It is for the last 2 or 3 years that grass has been exported."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states that grass is not exported from his *táluka*.

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"I have no idea as to the quantity of grass exported from the Mahád *táluka*."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"The *sar-kárkuns* of Panvel and Karanje give the cost of grass exported from this *táluka* amounting to Rs. 2,13,035, which reckoning at the market value makes in round numbers 60,000 cart-loads."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, states that no grass is exported from his *táluka*.

Q. 19.—Can you from the counterfoils of passes issued by you, *talátis*, &c., to cover *málki* wood in transport give the amount of material exported as follows :—

1. Teak,
2. *Injáili* { (*a*) timber, (*b*) firewood,

noting in a remark against 2 (*a*) the kind of *injáili* wood exported as timber from *málki* numbers ?

The Mámlatdár of Alíbág gives the following statement, which shows the quantity of wood, both timber and fuel, exported from his *táluka* to Bombay and removed from place to place in his *táluka* :—

Táluka.	Exported to Bombay.					Exported from places to places in the *Ta'luka* itself.				
	Timber.			Firewood.		Timber.		Firewood.		
	Teak.	*Injáili.*		Cart-loads.	Head-loads.	Teak.	*Injáili.*	*Injáili.*		Teak.
	Number.	Number.	Carts.			Number.	Number.	Carts.	Head-loads.	Cart-loads.
Alibág	41	2,235	69	4,172	6,900	53	2,022	627	300	400

He remarks :—"The kind of *injáili* wood exported as timber is not given in the passes and cannot therefore be set forth here ; but mostly *bhendi* wood is the sort chosen and exported. So also the passes do not set forth the number of timber wood when exported in carts, which also cannot consequently be given here. In the amount shown as exported from the *málki* numbers to other places in the *táluka* itself, is included, the amount taken out from those numbers by the owners themselves for their household purposes, as well as that carried by them for sale to Alibág and such other places in the *táluka*."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen.—"It has recently been decided that there is no necessity of a pass to cover wood from *málki* numbers exported to out villages. The occupants of *málki* numbers give passes under their signatures and some wood is allowed to go out of the village under passes issued by *talátis*, &c. From information obtained from the Customs Department the wood, as detailed below, appears to have been exported under such passes :—

Teak.		*Inja'ili.*			
Rafters.	Small rafters.	Timber.	Firewood.		
Numbers.	Candies.	Pieces.	Candies.	Pieces.	Carts.
4,327	44	850	2,983	564,752	694"

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"Passes to cover *málki* wood in transport are issued by *talátis* and *khots*. (There are 89 *khoti* villages in this *táluka*.) Information regarding passes issued by *talátis* has been obtained, but reports from some of the *khots* are still awaited. On receipt of the *khots'* reports, the total amount of *málki* wood exported will be reported."*

Ráv Sáheb Hári Rámchandra, Mámlatdár of Mahád, states :—"As teak and other timber and *injáili* trees can be removed from place to place without a pass from the *mámlatdár* or *taláti*, I cannot say what amount of them is exported from my *táluka*."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, writes :—"From the pass-book the following quantities of wood seem to have been transported from *málki* numbers :—

1. Teak ... ... 14 carts.
2. *Injáili*—
   (*a*). Timber—37 cart-loads of the following kinds : *vehala, umbar,* mango, *mowra, jámbli* and *shemti.*
   (*b*). Firewood—2,378 cart-loads.

These figures seem far below the actual ones, the reason being that the wood from *málki* numbers can now be transported without a pass and therefore much more wood must have been transported than what these figures show."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, writes :—"No teak wood nor any timber was exported during the last three years. Only firewood was exported during the last two years and the quantities exported are as follows :—

1884-85 ... ... 545 tons, value Rs. 3,335.
1885-86 ... ... 1,075 tons, value Rs. 6,514-12.

*In his letter No. 25, dated 17th August 1886, Ráv Sáheb G. R. Sáne states :—"The amount of *málki* wood exported from March 1885, as ascertained from the counterfoils of passes issued to cover the same while in transit is as under :

1 Teak ... { (*a*) Timber—Pieces, 8,439. (*b*) Firewood—*Bháre* (bundles), 17,987 and 11 candies.
2 *Injáili* ... { (*a*) Timber—Pieces, 679. (*b*) Firewood—*Bháre* (bundles) 6,94,711 and 5,955 candies and 12 cart-loads.

The kind of *injáili* timber is not noted in the pass."

Q. 20.—Were any special arrangements made at the Survey to provide grazing for Dhangars' cattle? Were any lands assigned to them at specially low rates for this purpose? What were the conditions of such assignments? Have they been infringed in any instances? Were any lands similarly allotted to Thákurs for *dalhi* cultivation at low rates?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"There is a very small number of Dhangar and Thákur tribes in this *táluka* as already shown above, and no special arrangements have therefore been made at the Survey to provide grazing for Dhangars' cattle; but they do graze them like others in the public *gurcharan* grazings. Similarly on account of the small population of these Dhangar and Thákur tribes no lands in this *táluka* are assigned to either of them specially at low rates for cattle-grazing or *dalhi* cultivation."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states :—"At the time of the Survey no special arrangement was made for the Dhangars to graze their cattle. But some lands were given out on low rates of assessment to Dhangars for this purpose. It does not appear however that any special conditions were imposed. The land was broken into numbers and entered in their names as *málki* (occupancy). Some unassessed survey numbers have been set apart for the cultivation of *dalhi* by Thákurs, who are allowed to cultivate *dalhi* on payment of 8 annas per *dalhi* plot. Besides this some land was broken into numbers which were given to some Thákurs on payment of low rates of assessment, but I learn that they have sold them to *Sávkárs*."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"No special arrangements were made at the Survey to provide grazing for Dhangars' cattle. Nor were any lands specially allotted to Thákurs for *dalhi* cultivation at low rates (*vide*, however reply to Question 17)."

Ráv Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"It does not appear that any special provision was made at the Survey for Dhangars' cattle. But in some places some *varkas* lands have been entered in their names, but not at specially low rates so far I know. The conditions on which the Dhangars hold these lands are just the same as are attached to similar *varkas* lands held by other people. There are no Thákurs in the Mahád *táluka*."

Ráv Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"No arrangements seem to have been made at the Survey to provide grazing for Dhangars' cattle. No lands were set apart even at reduced rates for them. As to lands being given for *dalhi* cultivation at reduced rates, there are only two instances—one at Vákdi and the other at Morbe, where the Kátkaris and not Thákurs are given land (area—acres 1-10) for cultivation free, the survey assessment of which is Re. 0-4-9. It is only now that some *varkas* lands are given to Thákurs and Kátkaris for hill-grain cultivation at the rate of four annas an acre at the time of the Forest Settlement."

Ráv Sáheb S. G. Soman, Mámlatdár of Mángaon, writes :—"No special arrangements with respect to grazing were made at the time of the Survey in this *táluka*, excepting in two villages where lands have been specially assessed at low rates and kept for grazing as shown by the Survey registers. Land has similarly been assigned to Thákurs for *dalhi* cultivation with a special low rate fixed upon it only in one village. But the conditions of both these special allotments are not forthcoming."

Q. 21.—What measures would you recommend to ensure the co-operation of the villagers and the village officers in the protection of forests? Has the present system the effect of divided responsibility and inefficiency? If you think so, what remedy would you recommend for adoption?

Ráv Sáheb A. R. Chitre, Mámlatdár of Alibág, states :—"Under the present system a villager has no prospects of getting his wants of timber for building purposes and agricultural implements or those of *ráb* materials or firewood supplied from the forests of his village. He knows well that he shall have to purchase most of these things dearer at his own village than in the town where almost the whole of the timber is removed either by the Government or their contractors and consequently he does not co-operate with the village officers to conserve or preserve the forests of his village. To ensure this co-operation therefore the only way in my humble opinion is to let the rayats get *ráb* materials, firewood and thorny shrubs for their hedges free if possible or at least at a very moderate charge from the Government forests of their village. So also it may be ordered that no timber or other forest produce be removed from a village until the legitimate wants of the poor cultivators of that village are supplied at moderate prices. The villagers may also be made to understand that these concessions are shown to them only until they protect and preserve the forests of their villages. Thus assured the villagers are then sure to aid and co-operate with the village officers in protecting the forests as desired by Government."

Ráv Sáheb Antáji Krishna, Mámlatdár of Pen, states :—"I do not think that the villagers and village officers will co-operate with each other in the protection of the forest, and I cannot suggest any remedy for it. The present system appears to work well. Under this system each officer is responsible for the performance of duties which appertain to him."

Ráv Sáheb G. R. Sáne, Mámlatdár of Roha, states:—"It is impossible to ensure the co-operation of the villagers in the protection of forests. But village officers will possibly be of great use, if they are paid special allowance for this duty. The present system of *málki* number teak trees being under the control of the Collector, is working satisfactorily. The Revenue Department knows the wants and inconveniences of the rayats better than the Forest Department, and it can deal with the questions relating to teak trees in *málki* numbers more promptly and satisfactorily than the Forest Department."

Ráo Sáheb Hari Rámchandra, Mámlatdár of Mahád, states:—"The policy of Government regarding forests being suspected by the people to be to make forests a source of revenue just as the salt has been made a source of revenue, it appears to me impossible that hearty and sincere co-operation of the general public will ever be secured in the protection of forests."

"It is not difficult to secure the efficient co-operation of the village officers in this important business. At present the village establishment is too weak and too lowly paid. Only the village Police *pátils* are at present paid by Government. He has no subordinate establishment to assist him. The village Mhárs are generally looked upon as village Government servants. But as they are not paid by Government, they are little better than useless for any real good work. They are much dependent upon the people, who in fact are their masters, as they pay them their *balutás* and other dues for such service as the Mhárs perform in the interest of the people. In these days of general decay of the village system, it has become difficult for the villagers to exact customary village service from the Mhárs, who are very often an annoyance to them. The consequence is that the rayats very often stop payment to the Mhárs."

"Thus the Police *pátil* by being very lowly paid and without an efficient establishment to aid him has neither influence among the people nor ability to serve Government properly. He is at present therefore as little useful for forest protection as he is for other Government work. This evil has recently attracted serious attention in superior quarters and it is likely a reform will soon take place by which the village establishment will be strengthened and better paid. This being done the village establishment will be more efficient and useful for forest protection, if a small percentage on the village forest revenue be paid to them. At present we have a guard over the forests of some 10 or 12 adjoining villages. As far as I am able to know the recent forest settlement has considerably narrowed the forest area in charge of the Forest Department. With this work reduced and the village establishment reformed and engaged with a small percentage on the forest revenue I am sanguine that the protection of the forests will be efficient. I do not think the present evil is divided responsibility."

Ráo Sáheb Lakshman Báji, Mámlatdár of Panvel, states:—"The present system has no doubt the effect of divided responsibility and inefficiency. The existence of a separate Forest Department has apparently relieved the village officers from their responsibility of protecting the forests, nay more, the *pátil* often times joins with the villagers in committing a forest theft. The villagers' aim consists in evading the guard with whom they little sympathize and whose appearance in the village is the harbinger of the detection of some unavoidable forest theft. I for my part am humbly of opinion that no department would receive the co-operation of the villagers that has not for its subordinates the *pátils* of villages. He is the head of the village and his responsibilities are appreciated and shared by all. The village officers too cannot be expected to take any very great interest in the conservation of forests, unless they think themselves one of that department upon which the task rests. The forest administration therefore must in great measure be under the control of Revenue Officers from the *pátil* upwards, and the *pátils* must gain some remuneration for forest protection. This alone will bring about the desired co-operation of villagers and village officers in the protection of forests."

Ráo Sáheb S. G. Soman, Mámlatdár of Mángaon, states:—"The present system does not work well. It lays no responsibility upon the villagers with regard to the protection of forests; hence the working of the system is not as efficient as it ought to be. The villagers must have some inducement such as that of rewards or a specified portion of the proceeds when cuttings are made by Government so that it will ensure a better protection of the forests than at present. Any instances of neglect to the detriment of forests must be met by condign punishments."

Q. 22.—Has the *táluka* been denuded of its forests during the past 20 years or so? If so, state the causes that led to the denudation.

Ráo Sáheb A. R. Chitre, Mámlatdár of Alibág, states:—"The *táluka*, as a whole, it appears, has to some extent been denuded of its forests during the last 20 years. Formerly the forest produce of the *táluka* was used for the local consumption only. Very little if any timber or other produce was exported at that time, but since about ten or fifteen years ago almost the whole of timber and firewood cut every year by contractors in this *táluka* is exported to Bombay or Poona. Naturally these traders in wood sometimes when a sale is contested by villagers pay much higher prices than the inhabitants of the *táluka* could or would be able to offer. Under this state of things the wants of the people of the *táluka*

proper are required to be met by cuttings in *málki* numbers, and by stealthy cuttings in the Government forests of the *táluka* itself. Besides this the contractors are required to clear a specified area of every tree large or small during a certain period which also tends to the useless destruction of a portion of the most useful forest produce. These contractors bid for very large areas, and consequently stifle the villagers in their attempts at purchasing the forest produce of any village of their *táluka* though it is sometimes sold at a very low rate. These contractors being traders by profession are induced to make increased purchase or higher bids every year when they find they make large sums out of this business. For the above reasons it will be seen plainly enough that the cutting of timber and firewood is going on of late at a quicker pace and would tend to denude the forests of the *táluka* in a short time to come if the cutting is allowed to go on at this double rate."

Ráo Sáheb Antáji Krishna, Mámlatdár of Pen, states :—"There is considerable forest in the *táluka* and the *táluka* has not been wholly denuded of its forest during the past 20 years or so. But the *táluka* being near to Bombay there is a great demand for wood, which is being cut and removed from the numbers set apart for forest and to some extent even from the *málki* numbers."

Ráo Sáheb G. R. Sáne, Mámlatdár of Roha, states :—"It is only in recent years that *málki* numbers are being denuded of their trees, and the causes which lead to the denudation have already been mentioned in the reply to question No. 9."

Ráo Sáheb Hari Rámchandra, Mámlatdár of Mahád, states :—"From inquiries made it does not appear that forests in *málki* numbers were specially cut for a special purpose during the last 20 years. Only this year people have taken to teak cutting and the reason is explained in answer to question No. 9."

Ráo Sáheb Lakshman Báji, Mámlatdár of Panvel, states :—"The difficulty of getting timber and wood has raised their price to an enormous extent. There is a demand for them in markets and their high price an incentive for people to cut wood and take it to the market. Thus the forests have been laid bare not for bare necessities but for carrying on a trade and thus there is a gradual denudation of forests. Whoever has walked through any forest land, must have found that there are hardly any timber trees over vast tracts."

Ráo Sáheb S. G. Soman, Mámlatdár of Mángaon, states :—"There are no instances of forests being denuded by the people during the last 20 years."

Exhibit No. I.

(Referred to at page 194.)

FOREST DEPARTMENT.

Be it known to all the people and the cultivators that the concession hitherto allowed to them of bringing for their own use firewood free of charge, from the Government forest, has been withdrawn by Government by their Resolution No. 1281, dated 12th March 1874. The residents of forest villages are only allowed to cut and bring wood for fuel for their own use. The cultivators who reside in the village other than the one in which they hold land, will not henceforth be allowed to take wood free of charge (from the Government forest). They must pay the price of the wood to Government as follows:—

	Rs.	a.	p.
For every cart-load of firewood	0	4	0
For every load of wood carried by an ox or an ass or a buffalo ...	0	1	0
For every head-load of wood brought by a man	0	0	3

The levy of fee according to the rates specified above has been sanctioned by the Conservator of Forests, Northern Division, in his English letter No. 729, dated 24th March 1874. Those who bring wood must accordingly pay fee to the officers whose duty it is to collect such fees at the *nákás* which will hereafter be established by Government. The wood in charge of the person refusing to pay such fee will be confiscated and sold by auction and Governments will in no way be held responsible for it. The Resolution also applies to Kátkari and other poor people who fetch wood for sale for their livelihood. Under this Resolution the person who may purchase from poor people wood for the purpose of trade shall also be liable to pay whatever price Government may fix for the wood, which will be presumed to have been brought from the Government forest. The Kolis who barter fish for wood required for their household consumption, must also pay the fee under the above mentioned Resolution, and if the wood is to be taken for the purpose of trade, they must pay double the fee.

All firewood removed by carts, oxen or by head-loads from the forest of an *inámdár* or from other occupied numbers, must be accompanied by a duly signed *dákhla* (pass). In the absence of such a *dákhla*, the excuse that the wood was brought from occupied numbers or from the forest of an *inámdár*, would not be listened to. In such case the wood will be considered to have been brought from the Government forest and fee will be levied therefor according to the above mentioned Resolution.

Dated, 19th April 1874.

By order of the Conservator of Forests, N. D.,
(Signature)
Assistant Conservator of Forests,
Zilla Kolába and Dápoli.

Exhibit No. 2.

(Referred to at page 200.)

Extract paragraph 10 from the kabuláyat dated 6th September 1870 passed by one Govind Purushottam Kolatkar regarding certain teak trees purchased by him from Government in his survey numbers 51, 57, 61 and 62 in the village of Belavde, táluka Pen, zilla Kolába.

10. The *vistár* or side branches of the trees cut and all the existing small trees of less than eight inches in girth have been granted to me by Government free of charge; Government has no right over them.

Exhibit No. 3.

(Referred to at page 200.)

In reply to the petition dated 30th November 1870 from one Govind Purushottam Kolatkar of Pen praying that he might be given a *dákhla* (certificate) showing that he had right to after-growth of teak trees in survey numbers 51, 57, 61 and 62 in the village of Belavde the teak trees in which he had cut on payment of 12 annas per tree, the Mámlatdár of Pen stated as follows:—

The Assistant Conservator of Kolába has directed me in his No. 223, dated 29th January 1872, to inform you as follows:—

The petitioner should be given to understand that under Government Resolution No. 2505, dated 1st July 1868, the occupant of a survey number has right to after-growth of trees in the survey numbers in which the trees have been cut.

DA'MODHAR YASHVANT,
Mámlatdár.

Dated 1st February 1872.

Exhibit No. 4.

(Referred to at page 204.)

Notice.

Seal of the Collector of Kolába.

FROM

THE DISTRICT DEPUTY COLLECTOR OF KOLA'BA;

To

LAKSHMAN BÁBÁJI BA'MUGDE,
of *mouje* Kille, *táluka* Roha.

Notice is hereby given to you as follows:—

Whereas you have occupied in the said village two *gunthás* of land in survey number 234 set apart for Reserved forest by erecting without permission and without any right a cattle-shed thereon, and whereas you have thereby wrongfully taken possession of the land in question, you are hereby required to vacate the land by removing your cattle-shed within 30 days from the date of receipt of this notice, failing which the land will be cleared (of buildings, &c.) by Government, and the expense which will be incurred for the purpose will be recovered from you in the manner provided in the Land Revenue Code.

B. R. HEBLIKAR,
District Deputy Collector.

Dated 11th October 1884.

Exhibit No. 5.

(Referred to at page 206.)

To

THE FOREST SETTLEMENT OFFICER,
Kolába.

With reference to your notice dated 24th October 1883, to the effect that survey number 139 in the village of Shenvai, *táluka* Roha, is Reserved forest and that any person claiming any right over the land in the said survey number should within three months communicate the nature of his right, we the undersigned *khots* do hereby reply as follows:—

We have been the proprietors of the said survey number 139 from the time of the late Government and have been annually paying its assessment to Government from the time of the Survey up till now. The said survey number is the principal source of livelihood of many of the people in our village, and since we have been illegally prohibited by Government from entering the neighbouring forests, we and our rayats (tenants) have to supply our wants with respect to *táhál* (loppings), grass, firewood, &c., from this number alone. In the event of this number being taken up by Government, it is likely that we shall have to leave the village. We are therefore unwilling to ask any thing in exchange for the said number. Government cannot include into forest the said number as its proprietorship vests in us and as it has been in our occupation for generations. Notwithstanding this you were pleased to publish the notice under reference, in replying to which we are put to unnecessary trouble and expense. You will therefore be held responsible for the same and for any subsequent loss we may have to suffer from time to time in connection with your notice. Be it known to you.

A'PPA'JI ARJUNRA'V KHOT.
YASHVANT MOROBA'RA'V KHOT.
MA'DHAVRA'V CHIMA'JIRA'V KHOT.
DA'DBA'RA'V MAHIPATRA'V KHOT.
YASHVANTRA'V MOROBA,
Agent of Manikji Mancharji, purchaser of the interests of Shripatráv Gangájiráv Khot.

Dated 7th January 1884.

Exhibit No. 6.

(Referred to at page 206.)

Forest Settlement Officer, Kolába, outward No. $\frac{214}{1884}$.

In the Court of the Settlement Officer, Kolába.

Decision regarding certain forest lands in the village of Shenvai, *táluka* Roha, notified in the *Government Gazette* as proposed Reserved forest :—

Survey No. 139.

I admit the right of the *Khot* and his co-sharers to cultivate *dalhi* in this number (Survey No. 139) till the survey. I declare that no one has any other right whatever in this survey number except the rights of ways to occupied survey Nos. 136 and 116, which are admitted.

(Signature.)
Forest Settlement Officer, Kolába.

22nd March 1884.

To

RÁO SÁHEB MÁMLATDÁR OF TÁLUKA ROHA.

The above translation of the decision has been forwarded to you for information and guidance and also for communication to the people of the village concerned, through the village officers who should be required to return this to your office for record.

(Signature.)
Forest Settlement Officer.

22nd March 1884.

To

ÁZAM KHOT AND THE PÁTIL OF THE VILLAGE OF SHENVAI.

The decision should be communicated to the villagers and a report made below this.

(Signature.)
Mámlatdár.

27th March 1884.

FROM

THE KHOT AND PÁTIL OF SHENVAI;

To

THE RÁO SÁHEB MÁMLATDÁR OF TÁLUKA ROHA.

The villagers have been informed accordingly. Be it known to you.

(Signatures.)
BA'LA'JI ANANDRA'V, Police Pátil.
MÁDHAVRA'V CHIMA'JIRA'V.
A'PPA'JI ARJUNRA'V.

22nd April 1884.

Exhibit No. 7.

(Referred to at page 210.)

No. 87.

From the Forest Settlement Officer, Kolába.

Decision about the Reserved forest in the village of Bámangaon in Alibág notified in the Government Gazette.

On the lower side of the stone cairns raised in survey No. 166 which is notified in the *Government Gazette*, there are so many proprietary groves, enclosed plots of ground with hedges of old trees, cattle-sheds, cattle-stands, &c., that it would be a very troublesome task to institute an enquiry about them. I, therefore, propose to include such lands in *gurcharan*.

It appears that people have no such individual rights in the demarcated forest on the upper side of the cairns. It is in evidence that people had to obtain permits for the removal of firewood; this shows that no one had any individual right of removing firewood. From paragraph 8 of Government Resolution No. 4919, dated 15th September 1879, and from paragraph 3 of Government Resolution No. 2206, dated 26th April 1880, on which the Commissioner, Northern Division's letter No. 2565 was based, I form the same opinion as above as regards *rán* and *gurcharan*.

Under sections 9 and 11 of the Indian Forest Act of 1878 I declare that in the demarcated and Reserved forest lying on the upper side of the stone cairns people have no other rights than that of right of way to Bámankhind, which is hereby admitted.

(Signature in English.)
Forest Settlement Officer.

Supplement.

As no decision has been passed by Mr. Courtney about the ownership of trees, cattle-sheds, &c., lying on the lower side of the stone cairns and claimed by people, I decide that people have no individual rights over them as they stand on Government ground.

(Signature)
Forest Settlement Officer.

16th May 1882.

Forwarded to the Mámlatdár of Alíbág.

(Signature.)
Forest Settlement Officer.

25th May 1882.

Exhibit No. 8.

(Referred to at page 211).
No. 6.

FROM

DR. GIBSON,
Conservator of Forests;

To

A'ZAM VÁMNÁJI PA'NDURANG,
Mámlatdár, *táluka* Rájpuri.

You are hereby informed that the *pátil* of the village of Khámb was prepared to pass a *kabuláyat* for conserving the teak in the forest of Khámb; but it could not be accepted at once as my office record had already been sent on to the next camp. The draft of the *kabuláyat* is now herewith sent. A third share of the revenue would be given to the *khot* and a fourth share to the *dhárekari* if they agreed to conserve teak. If the *pátil* is willing to conserve the teak trees on condition of taking one-fourth share, you should take his *kabuláyat* to that effect and send the same to me. I will then send the *dastak* (order).

Dáji Gángal of Roha has passed a *kabuláyat* for conserving the teak forests in his six *khoti* villages. Of these forests I inspected the forests of Surgad and Vaijanáth and they appeared to me to be well taken care of. He should be informed that as Government requires teak posts he should allow the forest to be inspected by the carpenter who will be deputed by me for the purpose in the hot season. He will mark the trees which will then be felled in the month of *Shrávan* (August). The *khot* will be granted ¼rd of the valuation of the posts. The larger branches fit for rafters, &c., will be sold by Government and ¾rd of the price realized will be paid to him. He will be allowed to remove the smaller branches free. He should further be informed that on my way I saw the teak forests within the limits of his villages and they appeared to me to have been fairly taken care of. I have instructed my *kárkun* at Nágothna to move about in the district between Khámb and Alíbág and to take *kabuláyats* from the *khots* or *dhárekaris* of the villages in the said district if they agreed to pass *kabuláyats* as the teak trees have become quite fit for being lopped. The trees would be lopped if people were to pass *kabuláyats*. The people would thereby be accommodated with regard to their *rán* supply. In order to remove any possible doubts which the people may entertain a clause should be added in the *kabuláyat* to the effect that if the restriction on the cutting of teak be removed in other villages the same indulgence would be extended to those who would pass the *kabuláyats*.

19th February 1850.

P. S.—The work of lopping trees will commence from *Shrávan* or August.

(Signature in English.)

Exhibit No. 9.

(Referred to at page 218).

Extract paragraphs 1 and 3 from the Superintendent of Revenue Survey, Thána and Poona's order outward No. 218, dated 16th June 1857, to the Mámlatdár of Revdanda.

Now that the Survey has been introduced in the *táluka*, the (future) proceedings in connection therewith should be regulated by the Joint Rules promulgated for the above Ghát districts, copies of which have been sent to you. The following explanations are also furnished in connection with the same :—

1. Rules 1 to 8 must be understood to apply to the whole *táluka*.

3. Under Rule 10 the owner of a field is entitled to cut trees in his field. His ownership should therefore be recognized here (under this order). But he has no authority to cut under this rule teak, *ain* and blackwood, and such other trees as are conserved by Dr. Gibson, Conservator of Forests. The practice of conserving them should be continued as before.

Exhibit No. 10.

(Referred to at page 218).

Outward No. 81.

FROM

L. REID, ESQUIRE,
Sub-Collector, Kolába ;

To

AZAM ATMÁRÁM MAHIPAT,
Officiating Mámlatdár, *Táluka* Revdanda.

As the Survey Settlement has been introduced in the *táluka*, annual inspection of rayats' land, if left uncultivated owing to scarcity of rain or any other cause, need not be made ; for no remission would be granted on that ground unless there has been famine. The Joint Rules the copies of the translation of which have been issued, and the Circular Order in connection therewith should be explained to all *talátis* and the same should be strictly enforced.

Dated 26th April 1858.

(Signature)
Sub-Collector.

Exhibit No. 11.

(Referred to at page 219).

Extract paragraphs 1 and 3 from the Superintendent of Revenue Survey, Thána and Poona's order outward No. 218, dated 16th June 1857, to the Mámlatdár of Panvel.

Now that the Survey has been introduced both in the *subha* and *peta* divisions of the *táluka*, the (future) proceedings in connection therewith should be regulated by the Joint Rules promulgated for the above Ghát districts, copies of which have been sent to you. The following explanations are also furnished in connection with the same :—

1. Rules 1 to 8 must be understood to apply to the whole *táluka*.

3. Under rule 10 the owner of a field is entitled to cut trees in his field. His ownership should therefore be recognized here (under this order). But he has no authority to cut under this rule teak, *ain* and blackwood and such other trees as are conserved by Dr. Gibson, Conservator of Forests. The practice of conserving them should be continued as before.

Exhibit No. 12.

(Referred to at page 223).

Extract paragraphs 10 and 11 from a lease granted by the Superintendent of Revenue Survey, Thána, to the Khot of Kopri, táluka Mahád.

10. In the year in which the jungle reserved by Government in your villages will be cut, you will get a third share of the proceeds after deducting the cost of felling ; but you yourself or some other man whom you will appoint in your behalf for the purpose must protect the forest in such manner as the Collector may order. In the event of your failing

to do so you shall have to make good from your share whatever loss may be caused to the forest, and if the loss exceeds your share, you shall have to make good the difference also.

11. The right to trees except teak and blackwood in lands other than those mentioned in paragraph 10 is hereby granted to you, but in *dhára* lands, where the *dhárekaris* may be found to possess such right, it shall belong to them. When the said teak and blackwood trees would be felled, the *dhárekaris* shall have a third share of the proceeds after deducting the cost of felling wherever the trees belong to them; similarly you will get the same share with regard to trees not belonging to the *dhárekaris*.

Exhibit No. 13.

(Referred to at page 223).

Extract paragraphs 9 and 10 from a kabuláyat passed by one Hari Keshav Dongre, Khot of Vavle, on the 25th of October 1884.

The right to trees in *ákári* (assessed) numbers except teak and blackwood, vests in me as it has been granted to me by Government, but in *dhára* lands, where the *dhárekaris* may possess such right, it shall belong to them. In the year in which the teak and blackwood trees would be cut, a third share of the proceeds after deducting therefrom the amount of cost, should be granted to *dhárekaris* if the trees belong to them; otherwise it should be granted to me. Although the ownership over trees vests in me under paragraph 9, I shall not cut such of the trees as are on the road-side or near a tank or a *dharmshála* and as are useful for shade in places used as halting grounds by travellers.

Exhibit No. 14.

(Referred to at page 223).

Proclamation from John Andrew Dunlop, Esquire, Collector and Magistrate of the zilla of the Southern Konkan, on behalf of the Honourable English Company, Sursun Arba Ashrin Maya Tain va Aluf (A.D. 1823-24).

It is written as follows for the information of all people:—Formerly in this *zilla* the Government used to take teak, *sisu* (blackwood) and good timber which may have been on any one's ground, in consequence of which people did not take trouble to produce such trees. This having come to the notice of Government and considering that if teak and *sisu* (blackwood) and all other kinds of good timber are produced in the country it will be advantageous to all, it is now made known to all people that beyond the limits of the Government Preserves at Bandh and Tudil and Vinhere in the Suvarndurg *táluka* and Máhan in the *táluka* of Málvan, Government has no claim to the teak and other trees which may be on the ground of whatever person. People may do what they please with the trees they now have, and may hereafter produce. Government will not cause the slightest obstruction.

Dated 30th *Jamádilákhar*, corresponding with the 1st of *Falgun Shudh, Shake* 1745, 1st March 1824.

(Signature)
Collector.

Exhibit No. 15.

(Referred to at page 227).

Confidential.

FROM

HARI RAMCHANDRA TAKLE,
Mámlatdár of Mángaon;

To

ALFRED KEYSER, ESQUIRE,
Collector of Kolába.

Mángaon, 26th July 1884.

SIR,

I have the honour to submit as desired in your confidential endorsement No. 1304 of 8th April 1884, a report on the questions asked in Government Resolution $\frac{\text{No. 1619}}{\text{49 Confidential}}$, dated 21st February last, Revenue Department, regarding forest rights in the *khoti* villages of Kolába.

2. The questions asked are the following:—

1. How were the forest areas which have been reserved in *khoti* villages from old time formed, whether they are only those fixed by Dr. Gibson under contract with

the *khots* or whether they were set apart by Government independently as of their own right and whether in the latter case this action was acquiesced in or disputed by the *khots* ?

2. Is there any evidence of the exercise of a right by Government to take lands in *khoti* villages without the formal consent of, or any previous agreement with, the *khot*, or by the *khot* to break up land for cultivation which Government desired to retain as forest ?

A. Extract from *khot's kabuláyat* for 1846-47.
B. Extract from *khot's kabuláyat* for 1848-49.
C. Do. do. for 1860-61.
D. Do. do. for 1883-84.
E. Extract from thirty years' *kabuláyat* taken from some *khots* in 1861-62.
F. Copy of a circular from the Collector of Thána, No. 36, dated 9th June 1846.
G. Copy of a circular from the Collector of Thána, No. 49 of 1847.
H. Copy of a circular from the Collector of Thána, No. 83 of 29th November 1847.
I. Copy of a report from *peta* Goregáv, dated 1848.
J. Copy of a report from *peta* Goregáv, dated 1847.
K. Copy of a report from Nizámpur *peta* of 1847.
L. Statement showing some lands taken up for forests in 1867-68,
M. Extract from *bárnishi* book of 1866-67 regarding an officer deputed to form forests.

3. I have the honor to append vernacular documents marginally noted and found in my records.

4. There were no conditions regarding forests in the annual *kabuláyats* passed before the year 1846-47, in which year the first mention of forest was made in the *khot's kabuláyat*. In this year the *khots* undertook to protect (*vide* Appendix A.) *ráyaval* (as distinguished from timber) forest on the eastern side of villages to the extent of $\frac{1}{8}$, $\frac{1}{10}$ or $\frac{1}{12}$ area in accordance with the orders of the Collector of Thána contained in his Circular No. 36 of 1846.

5. This circular (*vide* Appendix F.) was issued after consultation with Dr. Gibson, then Superintendent of the Botanical Garden. It aimed at the creation of forest of trees (not teak, regarding which separate measures were in progress.—measures very vaguely and incidentally referred to in this circular) valuable for building purposes. It forbade absolutely *dalhi* cultivation in the areas so reserved, and forbade also *ráb* cutting therein except where cultivators could not get *ráb* any where else, in which case they were allowed to cut grass and *ráb* of trees other than those named for special care.

6. In the year 1848-49 an addition was made to the *khoti kabuláyat*, by which the *khots* bound themselves to protect forests in accordance with another circular from the Collector of Thána, No. 49 of 1847 (a copy of which will be found in the accompaniments as Appendix G.), and also carry out other orders that may be issued regarding forests.

7. This circular too was issued after consultation with Dr. Gibson and was further development of the scheme contained in Circular No. 36. It is not necessary for purposes of the present inquiry to go into its detailed particulars, but it may be noted that it called for a very comprehensive statement regarding forest lands belonging to Government or vested in private persons in *khálsa* and *khoti* villages. Circular No. 83 of 29th November 1847 is explanatory of Circular No. 49 and prescribed a form in which the multifarious information called for in the latter was to be furnished. Particular attention is invited to paragraph 4 of Circular No. 83, which contains instructions as to what lands should be shown as lands belonging to Government. It is clearly desired therein that hilly and mountainous lands containing present forests or capable of bearing them in future should be shown under the head "*Ráj bhág*" (literally king's share).

8. It is to be regretted that the statements which were sent in pursuance of the above orders cannot be found in the *táluka* records. Extracts of the bare reports from the *bárnishi* books which accompanied the statements are appended marked I, J, K. Appendices I and J are not of much use, but I beg to request attention to clause I of paragraph 1 of the Nizámpur Mahálkari's report marked K. He reports in this clause that in *khoti* villages there is no land purely Government free from the use and occupation of the *khots*.

9. In the year 1860-61 the *khots* bound themselves by some further conditions regarding the protection of forests (*vide* Appendix C.), the details of which I do not think it necessary to go into.

10. The *khot's kabuláyat* (*vide* Appendices D. and E.) after the introduction of the Revenue Survey in 1861-62 in Nizámpur and in 1865-66 in Tale and Goregáv *petás* underwent no change as regards forests. In these *kabuláyats* the *khots* are allowed for protection of forests, by themselves, or a man on their behalf, a third share of the forest produce in forests reserved by the Survey Department, whenever cutting is effected. It is to be noted that ownership over the trees (teak excepted) besides the forests reserved by the Survey Department is given (under this *kabuláyat*) to *khot* and in the case of *dhára* lands to the survey occupants.

11. From these documents, of which a partial exposition is contained in the preceding paragraphs, it would appear that the creation of forests as a large scheme com-

menced and took place in the year 1846-47. There is no doubt that prior to this period measures were in progress for the preservation of teak trees. In Appendix A., an extract from the *khot's kabuláyat* for 1846-47, this fact is distinctly stated. In Appendix G. a copy of the Thána Collector's Circular 49, paragraph 2, clause 5, it is stated that the teak trees were being preserved about 7 or 8 years before the date of the circular (1847). Similarly also there appear to be some Government forests prior to 1846-47. In Appendix G., paragraph 1, clause 2, the existence of such forests is predicated. The Mahálkari of Nizámpur's report (*vide* Appendix K.) points to the existence of such forests in clause 2 of paragraph 1 (forests of the Mangad and Vishrámgad forts). These forests however appear to have been quite insignificant, as otherwise they would have obtained recognition by mention in the *khoti kabuláyats* passed prior to 1846-47, or at least by mention in the clause regarding forests which was newly added to the *kabuláyats* in that year. Both of these things have not taken place, and I think therefore that the forests which are referred to in the Government Resolution as having existed from old time, were created for the first time this year (1846-47).

12. From the circulars of the Collector of Thána and from the *kabuláyats* for 1846-47 of the *khots* it is plain that the formation of these forests had nothing to do with the contracts passed with Dr. Gibson These contracts are not on my records to refer to. But I have seen copies of these contracts. They are concerned with the teak trees only.

13. Was formal consent of the *khot* obtained is the next question. A preliminary question arises, did the land belong to the *khots*. The Nizámpur Mahálkari's report (Appendix K.) contains a passage of which I have taken special notice above in paragraph 9 to the effect that in *khoti* villages "there is no land purely Government free from the use and occupation of the *khots*." This means in my humble opinion that the lands belonged to the *khots*. There is no such explicit statement in the reports from Goregáv *peta*. I am not able to find any reports sent from the Tale *peta* whose old record does not appear to be in the *táluka* record. But what is true of the Nizámpur *peta*, should, I respectfully submit, be held to be true of the other *petás*, as the present circumstances and condition of forests generally of the *táluka* do not point to the existence of different conditions in the different *petás* in those times. I therefore regard that the lands which are made into forests were generally in the use and occupation of the *khots*—in other words belonged to them.

14. Papers cannot be found on my records showing that any negotiations were held with the *khots* to obtain their consent. On the contrary it appears plain from the tone and manner of the Thána Collector's circulars and the *táluka* officer's reports (to be found in the accompaniments) that the idea of consent was not then even conceived. The insertion of a clause in the *khoti kabuláyat* by which the *khots* undertook to protect forests cannot, I think, be regarded as the formal consent or previous agreement about which the present inquiry is concerned. But it must be pointed out that in a civil suit on this subject it is most likely that the construction of formal consent or previous agreement upon the undertaking-clause will be insisted by the *khots*.

15. At the time of the introduction of the last Survey most of these lands appear to have been shown in the village and *táluka* papers as Government forests. The *varkas* lands were not measured before the survey nor were there any village maps in the village *tharávbonds* of those times, consequently the area of the village with several assignments of lands in it could not be and was not shown as has been done after the Revenue Survey. It thus cannot be precisely ascertained what of these forest lands were shown as Government forests during the Survey or what the areas in several villages were which were, for the first time in 1846, created forests.

16. All the Survey inquiries appear to have been conducted by the Survey Department. There cannot be found in the *táluka* records any documents about obtaining *khot's* agreement or consent when these forests were so shown in the village papers during the Survey.

17. Appendix L. will show instances of assessed lands being taken over for forests after the Survey. I cannot find on the record any correspondence or entries beyond what is contained in the extract statement above referred to to show how these lands were taken up, whether the *khot's* consent was obtained or not. It appears from Appendix M., which is an extract from a *bárnishi* book, that an officer of the Survey Department was then specially deputed for this purpose. I presume it must be the result of this officer's action that the lands shown in the Appendix L. were taken up for forests.

18. To sum up the foregoing paragraphs, the undersigned respectfully submits, will show that—

1. The old forests were formed in 1846-47 by Government by issuing executive orders.

2. They had nothing to do with the contracts passed by the *khots* with Dr. Gibson though the orders under which these forests were made were issued after consultation with that officer.

3. Though the lands generally belonged to the *khots*, their formal consent or agreement was not obtained. The *khots* acquiesced in these proceedings by undertaking to protect the forests so made.

4. There are instances, after the introduction of the Revenue Survey of lands having been taken up for forests, but this work having been conducted by the Survey officers there is nothing on the *táluka* records to show whether the *khots'* consent was obtained.

I have, &c.,

HARI RA'MCHANDRA,

Mámlatdár.

Exhibit No. 16.

(Referred to at page 228.)

Extract paragraphs 17 and 18 from an agreement passed by Náráyan Báburáv Khot and other sharers of Amtek.

17. We shall conserve the trees in the land surveyed and set apart for forest conservancy by Government in the said village (Amtek). We shall not cut the trees and cultivate (in the land) nor allow others to do so. If any body cultivated or cut trees, we would give notice of the same to Government. Should Government be pleased to direct that cattle may be grazed there, we shall allow cattle to graze without let or hindrance. We shall also conserve the teak trees in other places in this village besides the said numbers and shall not cut or allow others to cut the trees. If any body cut such trees, we shall at once give notice of the same to Government.

18. With the exception of the Reserved forest and (the trees in) the cultivable land claimed by people, the right over all the existing trees and their aftershoots, excepting teak and blackwood trees in the waste land, has been given to us by Government. We shall accordingly enjoy the usufruct of such trees and act up in accordance with Rule 11 of the Joint Rules when we shall cut the trees.

Exhibit No. 17.

(Referred to at page 228.)

To

THE GOVERNMENT OF EAST INDIA COMPANY.

I pass hereby an agreement as follows for the Arabic year *Isne Khamsain Maya Tain va Alaf* A.D. 1851.

I hold the village of_____on *khoti* tenure, which contains teak forest. For many years past I have been conserving the forest, but lately Government have directed that no one should cut teak trees without their permission. Complying with this direction I hereby agree to protect the forest on condition of receiving one-third share of the produce, Government taking the remaining two-thirds. Whenever Government felled the full-grown teak trees the cost of felling should be deducted from the sale proceeds and Government should retain two-thirds of the net income and allow me the remaining third share. I hereby undertake to detect any thefts of wood that may be committed and produce the culprits with the stolen wood before the *mámlatdár*. If Government found that I neglected to trace the offenders, I should make up the loss from my own share; but I should not be held responsible simply because I failed to trace the offenders, provided I used my best efforts to detect the crime. I agree to undergo any penalty that Government may be pleased to impose on me, if I ever dishonestly cut or allowed other people to cut young trees. I shall prune teak trees and cut their leaves. In pruning the trees I shall leave the stumps of side branches about four fingres in length uncut. If any of the wood so cut be four cubits or more in length and as thick as the calf of one's leg, it will be delivered over to Government. Out of this two-thirds will be retained by Government, while the rest returned to me as my one-third share. All the twigs and leaves will be utilized for *ráb* purposes and the remaining wood would be used for my domestic purposes and would be given to other rayats. I shall not cut any tender saplings, only the side branches of full-grown trees will be cut in the manner mentioned above. If the teak trees in other *khoti* villages be made over to the *khots*, I should have similar concession made to me in respect of my *khoti* village mentioned above. As regards *dhárekaris* in the above *khoti* village, I shall arrange with them in such a way as not to give them any ground for complaint.

I have willingly passed this agreement.

Witnesses :—

Signature.

FROM

DR. GIBSON,

Conservator of Forests;

To

GOVIND BHIKÁJI DESHPÁNDE, *Kulkarni*, and
NÁRÁYAN MORESHVAR DESPHÁNDE,
Kulkarni Khots of Atghar, *peta* Nizámpur, *táluka* Rájpuri.

Dastak (order) dated 1263 *Fasli* A.D. 1853. The village of Vatghar in the above *peta* is your *vatni isáphat khoti* village. You have passed an agreement to conserve the teak trees in the said village. You should, as has been mentioned in the agreement, trim and conserve the trees in every way, and should prune the trees with every care in the manner described in the agreement. Carrying out this you will get your share as settled in the agreement from the net income after deducting the cost of cutting from the gross proceeds, when Government will fell the teak trees. In consideration of your *isáphat* you will get the value of 15 rafters for every hundred rafters cut.

(Signature).

Dated 18th October 1853.

Exhibit No. 18.

(Referred to at page 228.)

To

DR. SCOTT,

Conservator of Forests (on behalf of the Government of the East India Company).

I, Parashrám Yashvant Bhat, *khot* of Mauze Tákde and Kondthare, *peta* Tale, *táluka* Rájpuri, do hereby execute the following agreement, for the Arabic year *Arba Khamsain Maya Tain va Alaf* (corresponding with A.D. 1853). I hold the aforesaid two villages under *khoti* tenure. I agree to conserve the teak trees in the forests of those villages on the terms mentioned below :—

1. When Government would cut the full grown teak trees a third share in kind after deducting the cost of felling should be given to me for conserving the trees and Government should retain the remaining two shares.

2. I shall prune the teak trees in the forest at the proper time and produce before Government all the pieces of wood of the length of more than 4 cubits and as thick as the calf of one's leg. Such pieces should be sold by auction and a third share of the proceeds should be granted to me, while Government should receive two-thirds of the amount realized. I shall allow the rayats to take leaves, small side branches, &c., according to custom, and I shall also take the same.

3. If any wood were stolen from the forest and if it is found out after inquiry that I neglected to detect the offender I shall make good the loss from my share.

4. If any of the trees happen to fall down owing to wind, rain or any other cause, I shall give notice of the same to Government. Such fallen trees should be sold by auction and a (third) share of the amount realized should be given to me as stated above.

5. I shall honestly do the duty of conserving the trees. If Government finds that I parted with any piece of wood without their orders or acted dishonestly in any other way in connection with it, I shall obey whatever orders Government may be pleased to pass.

6. Should Government give up the right over the teak trees of the other *khots* and *dhárekaris*, the same indulgence should be allowed me. The execution of the *kabuláyat* should not be held to prejudice or affect my rights.

7. In pruning trees I shall leave 3 cubits of the top-part untouched and cut the side branches at a distance of 4 fingers from the main stump. I shall not pollard a tree nor shall I cut a sapling. I shall act up to these conditions. I shall only lop the trees between *Shrávan* and *Mágh* (August to February) and leave them untouched from *Shimga* (March) throughout the hot weather.

8. About the teak trees in the fixed *kavaltha* lands of *dhárekaris* and *kaulkaris* in the said villages, I shall make my own arrangements with the *dhárekaris* and *kaulkaris* regarding the pruning and the share which they are to receive from the fellings and give them no ground for complaint.

This agreement has willingly been executed.

Dated the 14th June 1853, under my signature.

PARASHRÁM YASHVANT BHAT.

Witnesses:—

1. KRISHNA'RA'V SHANKAR DESHMUKH.
2. NA'RO JAYARA'M JOSHI.

Exhibit No. 19.

(Referred to at page 229.)

Extract paragraphs 9, 10, and 11 from an annual kabuláyat for 1884-85 passed by Vithal Shridhar Deshpánde, Kulkarni of Goregáv and khot of the 8-anna share of the village of Mur, and Gopál Vásudev Gokhle, Administrator, on behalf of Govind Rámkrishna Gokhle (a minor), mortgagee of the other 8-anna share of the khoti right of the said village, under Section 37 of Bombay Act I of 1865.

9. In the year in which the jungle reserved by the Survey in our village will be cut, we should get a third share of the proceeds after deducting the cost of felling. We undertake to conserve the forest either in person or by agent in such manner as the Conservator of Forests may direct. In the event of our failing to do so we shall make good from our share whatever loss may be caused to the forest; and if the loss exceeds our share, we shall make good the difference.

10. The right to trees except teak and blackwood in lands other than those mentioned in paragraph 9 has been granted to us, but in *dhára* lands, where the *dhárekaris* may be found to possess such right, it should belong to them. The right to the rest of the trees as has been granted by Government vests in us. When the said teak and blackwood trees will be felled, the *dhárekaris* will have a third share of the proceeds after deducting the cost of felling wherever the trees belong to them. Similarly we should get the same share with regard to trees not belonging to the *dhárekaris*.

11. Although the ownership over trees vests in us under paragraph 10, I shall not cut such of the trees as are on the road-side or near a tank or a *dharmsháls* and as are useful for shade in places used as halting grounds by travellers.

ORAL EVIDENCE.

PART III.

GENERAL.

B 1417—63 0

WITNESS No. 1.

26th June 1886.

Colonel C. W. GODFREY, Superintendent, Revenue Survey, Thána and Ratnágiri, stated in reply to questions

By the Commission,

Q. 1.—Mr. Atkins, in his reply to No. 41 of the printed questions on forest administration circulated by the Forest Commission, has made the following suggestion:—"At the revision survey I would divide *varkas* numbers into—(1) numbers for cultivation, (2) *shindád* lands, and would assess the former at a high rate of (say) 8 annas per acre, and reduce the assessment of the latter (except valuable grass lands of which the grass can conveniently be exported to Bombay) to a nominal sum of (say) one anna per acre. I would treat as *shindád* lands all *varkas* numbers of which the owners agree that they will not use them for cultivation, will not sell the trees they contain without permission, and will not lop the leading shoots of those trees for *ráb*." Do you consider that it would be practicable to divide the *varkas* lands in the manner above proposed, at the revision survey?

A.—I do not consider that it will be practicable to divide the *varkas* lands as proposed. It certainly cannot be done by the Survey Department. In the first place I do not think the villagers will agree to such a division. I think it will also be difficult to know which lands in particular produce grass for export to Bombay and to define such lands. Grass is taken from *shindádi* lands as well as from others. The measurers could not be entrusted with the division of *varkas* lands, as most of them have very vague ideas as to the value of land for cultivation, grass or *shindád*. It would be difficult to frame hard and fast rules for their guidance, and a good deal would have to be left to their discretion, which I think is very unadvisable.

Q. 2.—Do you think that occupants would be willing, in consideration of the imposition of a nominal assessment on the lands, to be classed as *shindád* to forego the unrestricted right to cultivate and to dispose of all but the reserved trees in such lands, which they acquired at the original survey?

A.—No cultivator will agree, I should say, to have his liberty of making use of his lands as he pleases, interfered with in any way, even though a lower assessment is placed on the land. The assessment is already so low that the gain the rayat would get from reduced assessment would be more than counterbalanced by loss of liberty to make use of the land as he pleases. The rayat is liable to change his mind at any time as to the use he may make of the land, and his being tied down and under supervision, and made liable to punishment for infringing certain rules with regard to what he may or may not do with his land would be insufferable. The rayat likes, above all things, to be left alone and not bothered, and he would rather pay more and have his own way than place himself under restrictions and become liable to be hauled up by subordinates for infringing them.

Q. 3.—Presuming that such a division was effected with the people's consent, do you think the difficulty of detecting unauthorized cultivation in the *shindád* portions of *varkas* land would be a fatal objection to the scheme?

A.—If land is assessed low on the express stipulation that it may not be cultivated some supervision will undoubtedly become necessary to detect unauthorized cultivation. The difficulty, expense and worry to the people, and proceedings which would ensue on breaches of the conditions is undoubtedly a fatal objection to the subdivision which, if made, would, I think, eventually lead to much discontent, and would be impolitic.

Q. 4.—Is there anything in the survey records to show whether the use of waste lands designated as *gurcharan, ránrakshan gurcharan, parigh,* &c., for *ráb* purposes was authorised or not at the original settlement elsewhere than in the Karjat and Panvel *tálukás*?

A.—Whether waste lands designated as *gurcharan, ránrakshan gurcharan* or *parigh,* &c., were authorised to be used for *ráb* purposes or not will be found in the register of the different villages. The case of each village and of each one of these survey numbers is considered separately at the time of the Survey Settlement, and whenever the custom to take *ráb* existed, and it was considered necessary to allow a right to do so, a remark to that effect should be entered in the register. If no such remark exists, I take it that no special decision was made at the time of settlement, but the former custom was supposed to continue. I believe in most cases taking *ráb* from such lands was customary and was not objected to. I do not consider the failure to record a custom such as taking *ráb* in the survey record operates as a cancellation of any former right or privilege.

Q. 5.—In paragraph 3 of the memorandum containing the terms of the Survey Settlement of the Dahánu *táluka* as announced to the people, the Superintendent wrote as follows:—"In those numbers set aside for Government or other purposes no one will be permitted to use such lands for any (other) purposes. If any one does so, he will be liable to the penalty set forth in section 33 of the Act." Do you consider that this declaration would preclude the taking of *ráb* from any waste lands not specially assigned for those purposes?

A.—It does not preclude the practice of taking *ráb*. It refers to the former custom of villagers to cultivate in lands so set apart.

Q. 6.—Do you consider the Survey Settlement record to be an exhaustive record of all the customary rights and privileges in connection with land enjoyed by the villagers?

A.—All rights and privileges of every description are not entered in the Survey record. There are many rights and privileges which are not mentioned in the Survey papers, regarding which special orders have, from time to time, been issued, whenever necessary.

Q. 7.—Supposing there are rights and privileges which have been enjoyed up to the present time without interruptions, and regarding which no special orders have been passed, how would such rights and privileges be dealt with at the revision settlement?

A.—The Survey Department does not, as a general principle, interfere with old rights and privileges.

Answers to questions put at the suggestion of the Secretary, Thána Forest Association.

Q. 1—It has been stated by Mr. Atkins, in his evidence before the Commission, that at the time of the original Survey the Survey officers are "supposed" to have commuted the *ráb* rights and privileges of the rayats in the Thána district. Do you consider this description of the Survey operations in connection with the originally allotted *varkas* substantially accurate? If so, will you produce any Government orders which authorized the Survey officers to commute the rights and privileges of the Thána rayats?

A.—I believe it was never intended to interfere with the rights and privileges of the rayats. The commutation was a commutation only in the sense that the Survey broke up the *varkas* lands into survey numbers and entered them in the name of the people who had *vahivát* in them, and the Government order, for doing so, is the order authorising the survey of the district and the measurement of the *varkas* lands. I do not consider that the allotment of *varkas* lands to individuals, according to their respective user, is a commutation of any rights such individuals may have had in taking *ráb* from common lands.

Q. 2.—It has been further stated by the same officer that at the time of the original Survey the Survey officers made assignments for free grazing without caring to ascertain whether any previously existing custom or *vahivát* to that effect had prevailed or not. Do you consider such a statement to be a substantially accurate description of what was done at the time?

A.—No. As far as I know, the existing grazing custom was always taken into consideration in making assignments for this purpose at the Survey Settlement. When cattle grazed everywhere in the village lands, and there was no special piece of land recognized as *gurcharan*, the only way of assignment for grazing was to ascertain where there was waste land available, and then the allotment would be made in consideration of the requirements of the village, the number of cattle, &c.

Q. 3.—How do you interpret the *shera ránrakshan karun gure mophat chárávi*? Is there any document among the survey records indicating that lands, so described, or similarly described, were intended to be dealt with on the occasion of any subsequent forest demarcation? If so, will you produce that document?

A.—The word *ránrakshan* implies preservation of the forest growth on the land. I am not aware of the existence of any particular document indicating that lands so described were intended to be so dealt with. Major Waddington's report on the Kolvan settlement implies that something in the way of forest demarcation was to be subsequently carried out in that *táluka*, but he does not state distinctly what was intended to be done.

Q. 4.—Assuming for a moment such to have been the implied, though not the expressed, original intention, do you not consider that the requirements of that intention were satisfied immediately after the first forest demarcation had taken place? Are you aware that the lands which the then forest demarcation officers declared to be unsuited or not required for forest conservancy, were, and still continue to be described as *ránrakshan karun gure mophat chárávi*? Do you consider it to be consistent or inconsistent with the general obligations incurred by Government at the time of the original Survey that such lands should now be absorbed in the forest area on the plea which may be considered to have been justified or excusable at the time of the first forest demarcation?

A.—No. I do not consider the first forest demarcation which followed the Survey Settlement to be necessarily a final demarcation. It is quite possible that lands included

in the first forest demarcation have remained as described at the Survey, *viz.*, forest with free grazing. I think it is optional for Government to take up any of such lands for forest, and that they are not bound *not* to do so by what took place before, especially if grazing be allowed in such lands, whereby the original purposes for which the land was set aside will not be interfered with.

Q. 5.—Is it not a fact that the *shera* in question and other *sherás* of similar import were intended to record and recognize the previously existing custom or *vahivát* of the people not only in respect of free grazing, but also in respect of the free removal by them of all articles of forest produce, necessary for domestic and agricultural consumption ?

A.—No. I think not. *Ránrakshan* means preservation of forest produce, and consequently a prohibition to cut down trees.

Q. 6.—Can you produce any document issued by competent authority to show what object the Survey officers had in view in prohibiting the sale by the Kolvan and Dahánu occupants of the non-royalty trees in their holdings, and also in whose interest this restriction was imposed, whether in that of the State to secure it additional revenue, or in that of the occupant himself to save him from his prospective improvidence ?

A.—I believe the restriction referred to was made in the interests both of Government and the rayats. I can produce no documents throwing light on the subject.

By the Commission,

Q. 1.—In assigning lands for special purposes at a Survey Settlement, does it not frequently and necessarily happen that former customary rights and privileges are restricted or extinguished ?

A.—Cultivation may be stopped by such assignments, but in other respects I do not think these assignments interfere with old customs.

WITNESS No. 2.

7th July 1886.

Mr. KHARSHETJI HORMUSJI DÁDISHET, proprietor of Eksar, *táluka* Salsette, stated in reply to questions

By the Commission,

Q. 1.—Have any of the provisions of chapter VI. of the Forest Act of 1878 ever been carried out in any of the Sálsette leasehold villages ?

A.—No ; but, as long as sections 35, 36 and 37 remain in the Act, I apprehend that there will be difficulties. If the land is wanted for forest or public purposes, it should be taken up at once under the Land Acquisition Act and not after a delay of 3 years as contemplated in section 37.

Q. 2.—Supposing passes under the rules under section 41 are allowed to be issued by *inámdárs* as provided in those rules and such passes to be issued promptly at cost price, will your grievance under this head be removed ?

A.—We should prefer to prepare our own pass-books according to the prescribed form and to bring them to be stamped at the forest offices, as this would be cheaper for us. We pay now eight annas per book of 100 passes supplied by Government. My contractor told me he could get a similar book printed for three annas. Sufficient number of pass-books should be given us to ensure that there shall be no hindrance or stoppage in the work when the passes have been used up. If this were done, we should have no grievance under this head. As regards the limit within which the pass-book is made available, the *inámdárs* would have no objection to return all pass-books unused at the end of each season, say, by the 1st June, but they object to the system now followed, by which the pass-books are required to be returned if not used after short periods from issue, such as two months. We object to the rule 16 which allows a fee to be levied on wood stored at a depôt, because it is tantamount to a duty which is in violation of the terms of our leases.

Q. 3.—Have such fees ever been levied yet ?

A.—No, not for storing timber.

Q. 4.—Supposing such fees were levied, do you not think from the wording of the rule that they would be levied only from persons voluntarily availing themselves of the convenience afforded by the depôts ?

A.—No; I think I should have to pay the fee if I was forced to unload and store wood in a depôt by the depôt-keeper, whether I wished to use the depôt or not.

Q. 5.—In paragraph 5 of your memorial objection is made to the levy of a fee for registering property marks. Have any such fees ever to your knowledge been levied?

A.—I do not know of any cases in which it has been levied; but it can be levied under the rules. I consider such a levy a violation of our leases.

Q. 6.—Have you anything further to add to the statements made in your memorial?

A.—I wish to draw the attention of the Commission to the inconvenience arising from our having to get a separate pass to cover each bullock-load of forest produce. In extensive operations it is very difficult and expensive to give separate passes; one pass should be allowed to cover any quantity up to fifty bullock-loads. If any bullocks were disabled and could not pass the *náka* with the rest it would be less inconvenient to issue fresh passes for such bullocks than taking out a separate pass for each bullock. We ask also that depôts should be kept open at night as well as day. I cannot say from my personal knowledge that any inconvenience has arisen from this, but my contractor has complained to me that he is not allowed to take wood by night as well as by day. Certain routes are specified in the Appendix A of the rules by which routes alone timber, &c., may be removed. I had occasion to remove timber from my jungle at Mágáthan to Shimpavli bunder. It was not a regular made road. Shimpavli bunder is not mentioned in the appendix. Objection was taken to my shipping timber from Shimpavli bunder. I applied to the Conservator of Forests and he gave the required permission. I do not think any route should be specified under section 41.

Q. 7.—Then how would you propose to check fraud, if no routes and places of shipment are fixed?

A.—I would have the depôts placed so that no timber could be removed except by passing them. I have three villages, Mágáthan, Eksar and Pahádi. I have to give forest produce to my tenants in Eksar and Pahádi from my forest in Mágáthan. To go from Mágáthan to either of these villages, one has to cross the limits of the *khálsa* village of Borivali, and thus passes are required, which creates great inconvenience. If I am provided with pass-books to issue passes for materials given to my tenants, I have no objection.

Q. 8.—Describe the system under which pass-books are obtained.

A.—I dispose of certain material to a contractor and I inform the Forest Department that I have so disposed of the material and ask them to issue pass-books to the contractor that he may issue passes as the material is removed. On one or two occasions I was asked by the Forest Department to execute a power-of-attorney in favour of the contractor; but I refused to take the responsibility on the ground that I had parted with the timber and had no longer any interest in it. On this representation the Forest Department issued pass-books to the contractor. I produce copies of the correspondence on this subject for the perusal of the Commission. I have no further responsibility as regards the removal of the timber or the giving of the passes.

Witness No. 3.

12th July 1886.

Mr. J. DeC. Atkins, Forest Settlement Officer, Thána, stated in reply to questions

By the Commission,

Subject.—Claims of the inhabitants of one village to resort to the forests of another village for firewood, rán, grass and grazing, wood for agricultural and building purposes and minor forest produce.

Q. 1.—Is there anything in the records which will show whether such a custom existed in former years, whether it was in any way recognized by Government or whether any disputes as to the exercise of the custom between rival villages ever came under official cognizance? Can you also point out when the distinction between forest and non-forest villages first arose, and the reasons given in support of the distinction. When village forests (*gávbhág*) as distinguished from Imperial forests were first demarcated, was any provision made for the use of such village forests by the inhabitants of other neighbouring villages? The Forest Settlement Officer has found that the inhabitants of Airavli have a right to graze cattle in the lands of Ilthan, subject to the orders of the Collector, under the Land Revenue Code during the currency of the Survey Settlement, on the authority of an entry in the survey papers. An appeal against this decision was rejected as time-barred. Is this decision an isolated one, or has it formed a precedent in subsequent cases on which the claims have been based on similar grounds?

A.—In early times, *i.e.*, before the Survey Settlement, forest revenue was obtained by levying transit duties, but these duties were only levied at *nákás* placed at certain railway stations and bunders. I have seen correspondence showing that people living between the *nákás* and the forests escaped paying the duty and suggesting a remedy for this: but, unless the statement made by the Forest Committee of 1863 is assumed to be sufficient proof of the practice, I cannot find any evidence that non-forest villagers were during the few previous years ever made to pay fees. I do not know whether, at that time the question was ever brought to the notice of Government, or whether disputes between rival villages ever came under official cognizance. I can find no mention of the subject on the files. It is clear, however, that village boundaries were not accurately known, and were the subject of constant disputes.

I believe that the Forest Committee of 1863 first made the distinction between forest and non-forest villages. The Forest Committee of 1875 made the same distinction. I put in the reports of both committees (*vide* Exhibit Nos. 1 & 2).

When village forests (*gávbhág*) were first demarcated, it was intended that in some cases they should be used by the inhabitants of other neighbouring villages (see Captain Lloyd's Report—Exhibit No. 3), but there is no record showing what people were to use a particular forest. The Forest Settlement Officer's decision that the people of Airavli had a right, subject to certain conditions, to graze cattle in the lands of Ilthan was followed by him in only one case (as far as I can find), that of Tetavli. In both cases the circumstances were peculiar, as all the cultivators of the land in the forest villages resided in other neighbouring villages.

Q. 2.—Are you aware of instances in which the inhabitants of forest villages have protested against their forests being used by the inhabitants of *benádi* or non-forest villages?

A.—I cannot find any correspondence on the subject, but cultivators have made complaints to me personally as regards grazing. I have also been told by cultivators that they do not allow outsiders to cut *ráb* in their *shindád vahivát* grounds.

Subject.—Inclusion in forest of shindád lands in which people had prior to the Survey either individually or in common a user of cutting táhál, &c.

Q. 3.—Many witnesses have stated before us that all the *varkas* lands, including *shindád* lands, in the *vahivát* of the people were not marked off at the time of the *varkas* survey, because such lands were selected for forest; that the officers announcing the settlement gave the people to understand that though such lands were not marked, their *vahivát* would remain uninterfered with; that the Revenue Department more or less acted up to this till the time of the forest restrictions. Please state whether these statements are substantially correct; and also place before the Commission, if you can, the report of 1870 by Colonel Francis referred to in Thána Evidence Statement No. 21. What decision, if any, has been arrived at regarding the petitions from Máhim referred to in Thána Evidence Statement No. 51? What decision, if any, has been arrived at about the inquiry referred to in Thána Evidence Statement No. 56?

A.—Leaving out of consideration the statements referred to on the subject of the peculiar *varkas* survey of Karjat, I propose to prove to the best of my ability that, though at Survey Settlements sufficient *varkas* numbers may in some villages have not been allotted to cultivators for *ráb*, yet that the evidence to the effect that people were informed that even though those lands were not allotted, their *vahivát* would remain uninterfered with is in the highest degree untrustworthy.

2. At the first two Survey Settlements (those of Khálápur and Nasrápur) *varkas* lands were not allotted for *ráb*. The orders to allot them were first given in Government Resolution No. 3370 of 1856, from which I take the following extracts:—

"A large proportion of these hill lands * * * are described as being attached to the rice lands of the village * * *. That is, a certain piece of hill land is allotted to each field of rice cultivation and is considered essential to its propor culture inasmuch as it affords a supply of grass and brushwood for *ráb* or wood ash dressing * * *. The *varkas* or hill land has hitherto been subjected to a land assessment only when brought under cultivation. So long as it remained uncultivated, the rayats enjoyed the produce of the lots attached to their rice cultivation without paying any additional tax to Government. * * * His Lordship in Council cannot but think that the practice of manuring the rice lands with wood ashes * * * may have its origin quite as much in the gratuitous terms on which the fuel has hitherto been obtainable as in the absolute necessity for supplying wood ashes to the soil. * * *Whether this conjecture is well or ill founded it cannot be doubted that sound principles demand the taxation of these hill lands irrespective of the uses to which they may be applied by their occupants. * * * * * The absence of any land-marks by which the subdivisions of hill lands attached to rice cultivation may be identified, and distinguished, not only from each other, but also from the *gurcharan* common to the village and from the Government unappropriated forest and grass lands appears to his Lordship in Council a great imperfection in Captain Francis' scheme of assessment. It can hardly be otherwise than that unless such defined limits are laid down by the Revenue Survey, *future encroachments, disputes* and *uncertainties must arise.* Government are therefore of opinion that even if the *area* of the several holdings of hill land is not separately determined, measures might nevertheless be taken to mark out *their boundaries* as permanently and distinctly as circumstances may permit. * * * * You will instruct him (Captain Francis) that he is not to extend that system (the Khálápur system) to other districts of the Thána *zilla*, explaining at the same time, that Government think it desirable that he should lay down with accuracy the exterior boundaries of hill lands, leaving the interior subdivisions and several holdings to be roughly marked out according to the system just explained. This being done there will in the opinion of Government be little difficulty in *assessing on each of these holdings a fixed annual rental* to be paid alike whether the land is cultivated with inferior crops, used only for *ráb* or for pasture."

3. These orders came too late for them to be applied to the Survey Settlement of Nasrápur. But in reporting on Panvel (letter No. 55 of 9th February 1857) Captain Francis stated that he had carried out the orders of Government on the subject of *varkas* lands, which he had divided into numbers. That he understood *varkas* lands to include *shindád* or *ráb* lands is apparent from the following extract :—

" There are two recognized forms of tenure on which these lands are held. The portion for instance allotted to rice lands for *ráb* is held as *suti* on the same conditions as the rice lands of that tenure, being considered in fact a part of the latter holding."

4. The next *táluka* to which Captain Francis applied the Survey Settlement was Kalyán, in his report on which (No. 128 of 11th March 1859) he said :—

> " *All* the culturable *varkas* lands and *the steeper slopes of the hills from which the grass and brushwood required as ráb* for rice fields are taken, have been divided off into numbers. * * * * The amount (*i.e.*, of assessment on cultivation) includes not only the assessment of the *varkas* lands under cultivation but *that of those also which are set apart for ráb*, the latter being all entered in the names of their owners and consequently shown as under cultivation."

5. The next *táluka* settled was Murbád in his report on which (No. 21 of 1860) Captain Francis said of the *varkas* land :—

> " *It is used entirely for ráb* but though turned to good account in that way, it yields no direct return to the cultivator. In consideration, therefore, of this part of the produce of these lands being of so little value, I propose to have a rate of 3 annas per acre instead of 4."

6. In the case of Bhivandi and Bassein *tálukás* Captain (then Major) Francis specially warned cultivators by notice that *they were not to cut ráb in gurcharan, ránrakshan gurcharan*, &c., and *that all waste land was to be used only for the purpose for which it was set apart.*

7. Major Waddington, who as Survey Superintendent did the survey of Murbád and Kolvan, said in a letter, No. 496 of 22nd September 1866 :—

> " It must be remembered that *village reserves are not intended to supply ráb.*"

8. In April 1867 Major Waddington sent the Sháhápur *mámlatdár* a notice explaining the terms of the Survey Settlement. In it occurs the following sentence :—

> " Numbers which are set apart for Government forest or for other purposes are not to be used by anybody for any purpose (any other purpose ?). * * * * *Varkas* land which has not till now been measured and from which cultivators have been in the habit of taking *ráb* material without payment has been measured and assessed and entered in the records in the names of the people accustomed to take *ráb* material."

9. In a letter No. 495 of 26th July 1864, Captain Francis replying to complaints made by the Conservator of Forests about the value of the forest which had been assigned for *varkas* numbers in the Kalyán *táluka* at the survey said :—

> " It will, I suppose, be admitted that in all cases where there is rice cultivation some portion of the *varkas* lands, whether thickly or thinly wooded, is required by the cultivators for *ráb*. That the allotments of the latter were not unduly large in the villages referred to, may be inferred from the comparatively large extent of the land which has been set apart for reserves and *gurcharan*. *The trees in the latter being the property of Government* the *wood in the* whole of this tract may be said to be reserved."

10. A letter No. 288 of 23rd March 1871 from Colonel Francis to the Revenue Commissioner also throws light on the subject. I put in a copy of this letter (*vide* Exhibit No. 4).

11. Mr. Náráyan Vásudev, now a *mámlatdár* of this district, (Thána), who was a *kárkun* in the Revenue Department in Murbád at the time of the Survey Settlement of that *táluka*, has informed me that he was present at the survey *jamábandi* when Colonel Francis introduced the new rates, and he remembers that Colonel Francis took unusual pains to induce cultivators to take up *varkas* lands.

12. A well-to-do land-holder in Váda *táluka* told Mr. Loch that he remembered that Colonel Francis took great pains to induce cultivators of that *táluka* to take up *varkas* numbers; that he himself acted on the suggestion of Colonel Francis, and had got a large area of jungle entered in his name.

13. In face of the *facts* mentioned by me in paragraphs 2 to 12 I can hardly imagine that on the verbal testimony of undoubtedly interested witnesses, who in all probability are speaking from hearsay and not from memory, the Forest Commission can do Colonel Francis the injustice of supposing that all his reports were untrue, and that he was systematically in the habit of doing the contrary of what he was systematically, *and at the time* in the habit of reporting that he had done. He knew that his orders were to enter *ráb* grounds in the names of those who had *ráb* user; he frequently said that he had done so; he is remembered to have done his best to induce cultivators to take up such lands; he informed cultivators in writing, in three *tálukás*, that they were not to cut *ráb* in grazing grounds; he, as a fact, allotted extensive areas of forest or *varkas* to rice cultivators at the rate of as much as two or three

acres of forest to one of rice land in almost every village in which I have made detailed enquiries; he reported, when tasked with allotting too much *ráb* land, that the Forest Department still had in its charge large areas of grazing land in which all the trees were reserved; he reported that in one *táluka* he found it difficult to induce cultivators to take up *varkas* numbers; and his superintendent, Major Waddington, showed, while Survey Settlements were still going on, that he knew that village reserves (grazing grounds) were not to be used for *ráb*. Can witnesses be believed who say that Colonel Francis informed them that *ráb* could be cut in those grazing grounds? And is it not much more probable that some Survey Department underlings were too lazy to climb steep hills and that cultivators imagined that if they did not take up a sufficient area of *varkas* for *ráb* (for which they were disinclined to pay the assessment) they would, after a little petitioning, persuade Government to allow them, without payment, their former user in their former *ráb* grounds, even though they suffered them to be included in the grazing lands which were the forests.

14. Measurers of the Survey Department were sent to Máhim *táluka* about 1876 (*i. e.*, about 14 years *after* the Survey Settlement). They commenced to mark out *varkas* numbers, but an anonymous petition to the effect that a well-known wood merchant had bribed a measurer to mark off for him as a *varkas* number, a fine piece of forest 330 acres in area, led to some protracted correspondence, in the course of which the Forest Department urged that no demarcation of *varkas* numbers should be done until the forest had been demarcated. This correspondence lasted till at all events 1878, and I cannot find that any decision was arrived at. I suppose the fact that in that year the Indian Forest Act was passed, led to the notification of the land in question as forest, and stopped the correspondence.

15. I have not been able to find that any such special inquiry was made. The case of Mr. Dátár was peculiar. To the best of my recollection he had, many years before his case was investigated, entered into a written agreement with regard to certain undemarcated *varkas* land; and the only difficulty was to ascertain the boundaries of the land to which his agreement related. When these were ascertained his right was admitted. If necessary I can have a further search made for the correspondence; but the matter appears to be a trifling one.

Q. 4.—Will you explain as fully as possible the origin of the entries in the village registers about proprietary right in fruit trees, in waste lands, and the circumstances under which such entries have been subsequently cancelled? Was the Collector's circular No. 153, dated 15th June 1868, referred to in the statement of the *mámlatdár* of Bassein a general one and was it given effect to throughout the district in the same way as in Bassein?

A.—I am glad to have an opportunity of rebutting the grossly misleading evidence given before the Forest Commission on the subject of the erasure of entries in village registers purporting to show that certain fruit trees in waste lands were private property.

2. The suggestion is that—(1) in 1862-63, immediately after the Survey, lists showing that certain trees were private property were authorizedly prepared and approved, (2) that in 1868-69 other similar lists were prepared and approved, (3) that after the approval of these lists they were ordered to be copied in the village registers, (4) that Mr. Mulock ordered the erasure of the entries in the registers.

3. Now, in the first place, the only witness who gives evidence regarding the 1862-63 lists is Thána Witness No. 10. I have personally examined him, and I find he can give no information whatever regarding the lists which he says were prepared. The *mámlatdár* of Murbád (the *táluka* regarding which witness gives his evidence) after a protracted search in his office as the result of which he has sent me every extract and list he can find relating to fruit trees, tells me that he cannot find that any lists relating to trees in waste lands were prepared or ordered to be prepared; this statement tallies with the result of an exhaustive search made by me in the Collector's office. Lists were ordered to be prepared of both teak and blackwood trees and of fruit trees in *málki* numbers (occupied lands) in 1862-63 under Ellis' rules, the object of which was to sell the rights Government had till then reserved over teak and blackwood and certain fruit trees in those *occupied numbers*. Whether the village accountants gave the Thána Witness No. 10 the extract he refers to or not I cannot of course say; but I do say that there is nothing in the records to show that the village accountant had any authority at all to concern himself with trees in Government waste land. I may say, however, that in the course of my inquiry into the Kalyán teak frauds, I found that *talátis* did in a few cases (when acting under the same orders of 1862-63 as were issued for the sale of fruit trees) *sell* teak trees in waste lands, but their fraud or mistake was discovered at once.

4. The only definite evidence given regarding the preparation of lists in 1868-69 and the approval of those lists by the Collector and the ordering them to be copied into the village register is that given by Thána Witness No. 59, the *mámlatdár* of Bassein. It will be sufficient for me to say that the statement made by him is the result of imagination. The circular No. 153 referred to by him will be seen by the Commission to relate in no way to lists of private trees in waste lands. I thought it proper to call on this *mámlatdár* to withdraw his statement or to explain it. He has withdrawn it, and I put in herewith the letter in which he has done so (*vide* Exhibit No. 5).

5. There was, as far as I can ascertain, absolutely no documentary evidence in existence regarding private property in fruit trees in waste lands (with the exception of the special

agreements taken in Sálsette) at the time of the entry in the village registers of the *sherás* regarding fruit trees by the village accountants.

6. It is not known what sort of inquiries were made by village accountants before they made the entries. There was no check upon them and nothing to prevent undue influence being used to induce them to make the entries. It is not known who made the entries or when they were made, for they are neither signed by anybody nor dated. In that very year on correspondence of a somewhat similar nature but relating to teak and not to fruit trees, it was specially ordered by the Commissioner and the Collector that *all entries in the village register regarding trees sold should be examined and signed by the Assistant Collector*, and that until they had been signed all trees should be considered to belong to Government. No *sherás* regarding fruit trees in waste lands are to be found in the old village registers (Blain's forms and when Hope's forms were first introduced in 1870-71) no such entries were made in the registers.

7. But the most startling point of all is that the village accountants who made the entries *were never told to make them.* Either by mistake or fraudulently they took advantage of a Collector's order of 1874 to do what they were never intended or ordered to do.

8. The Revenue Commissioner was on tour in Sháhápur *táluka* in 1873-74. He sent a letter to the Collector of Thána and the Collector sent a circular No. 140 of 31st July 1874 to all *mámlatdárs* in consequence. In this circular he directed *mámlatdárs* to act in accordance with the Commissioner's orders, a copy of which he sent them. The only sentence in those orders which relates to village Form No. 1 is as follows:—

> "Village Form No. 1 contains no entries about trees. Follow the instructions on this subject contained in paragraph 1 of my *yádi* for the current year about Lavle village in Sháhápur" (*vide* Exhibit No. 6).

9. This Lavle *yádi* (*vide* Exhibit No. 7) I may mention, and I lay stress on the fact, is not to be found in the Thána District, and I have consequently had to get a copy from the Revenue Commissioner's office. It has apparently been lost or destroyed though it is an A paper, of which no *bárnishi* is kept. It is possible that its destruction was fraudulent. I find that paragraph 1 is as follows:—

> "When I inquired why the number of trees respectively Government and private property had not been entered in column 20 of Village Form No. 1 in the case of each survey number, I was told that as the *varkas* numbers contained numerous teak and blackwood trees a list of them had not been prepared. When I inquired at the *mámlatdár's* office why this list had not been prepared I was informed that in accordance with my letter[1] No. 4537 of 23rd September 1873 the Collector had issued a circular order No. 71 of 22nd January 1874: but that previously under Collector's circular[2] No. 32 of 22nd September 1873 the Assistant Collector had sent the *mámlatdár* with a letter No. 17 of 17th January 1874 certain lists in which the price of trees was fixed at Rs. 983-8-0. A report on this subject had then been sent to the Assistant Collector and when final orders on the subject were received entries would be duly made in the registers. I do not consider that this explanation is a satisfactory one, as I understand that the price of some trees was paid in 1865-66 and so great delay in this case seems uncalled for. Inquiry should be made as to (1) in what survey numbers and regarding what trees the payments were made, (2) whether the purchasers cut and removed the trees or not, (3) how many trees are still standing in the survey numbers and to whom they belong. Entries should then be made in the village registers and I should be informed of the fact."

10. This order certainly related only to *teak and blackwood trees* which had been sold in occupied lands. These were the trees regarding which entries had to be made in the registers, and the necessity for making such entries was, of course, obvious.

11. The village accountants, whose attention was thus, probably for the 1st time, called to the column in Hope's form No. 1 which relates to trees, seem to have taken advantage of the sentence in Hope's Manual of Accounts, which explains the use of column 20 to make whatever entries they chose. But I need hardly point out to the Commission that a statement in an account manual that a certain column is to show right to trees does not authorise a village accountant to decide what those rights are, and to make away (for a consideration or otherwise) with trees which Government believe to be their property.

12. I believe Mr. Mulock has explained the circumstances under which he ordered the erasure of the *sherás*. I do not know whether any special facts came to his knowledge at the time, but I think I have written enough to show that those *sherás* ought not to have been and were not intended by the Collector to be written, and that village accountants drawing

---

[1] The pith of this is as follows:—

> Inquire what trees were formerly sold under Ellis' rules and have entries regarding the sales made in Village Form No. 1. Get the Assistant Collectors to examine and sign such entries and to report every month how many they have examined and signed. All trees except those regarding which entries are signed by Assistant Collectors will be treated as Government property.

[2] The pith of this is as follows:—

> Trees were sold some years ago under Ellis' rules in *málki* numbers. *Talátis* are to send lists showing the result of those sales.

a salary of about Rs. 12 per month wrote them of their own accord without anything to guide them except the statements made by or the inducements held forth to them by the people who claimed the trees.

Q. 5.—For some years after the Survey it appears no permission was required for cutting trees from *málki* numbers for an occupant's own use under the Kolvan and Dahánu Settlement. Cutting without getting previous permission was first stopped about 1870. Please state what necessitated this change in the practice and what orders authorized it.

The practice of allowing people to cut without permission wood for agricultural and domestic purposes in their own lands was stopped in 1865, *i.e.*, before the Kolvan Settlement was finally sanctioned by Government. The Collector's order was *eksa mulki jávak* No. 19 of 22nd August 1865. I put in a copy of it (*vide* Exhibit No. 8). It stated that as Government were being defrauded by people cutting wood in Government land and afterwards asserting that it had been cut in private lands, nobody would be allowed to cut without executing a *kabuláyat* agreeing to cut the wood within a specified time. The order applied to all *tálukás*, but except in the cases of Kolvan and Nasrápur it was withdrawn in the following year by *eksa* No. 91 of 4th April 1886 (*vide* Exhibit No. 9).

Q. 6.—Thána Witness No. 19 alludes to a disturbance which was in contemplation by Mahádev Kolis with a view to get their grievances redressed. Is there any thing on the Government records to show that such disturbances were apprehended as consequences of forest grievances?

A.—I can find nothing relating to this subject on the files. The Ráj Kolis undoubtedly as a class have fewer *forest* grievances than any other class in the district. They live in a part of the country where there is abundance of fuel, *rán* material, and grazing land. I do not believe that they have any forest grievance except that they are prevented from extending their cultivation on the Ghát slopes; but this is a grievance that they have managed to bear for twenty years. They have, however, two real grievances to make them discontented. One is that most of their leaders are now in the Andamans, and the other is that Mr. Mulock's policy deprived them of their arms. Consequently their occupation as hereditary dacoits is gone, and their ability to terrorise over the agricultural population and to levy blackmail is less than it was. If a rising of the Kolis was really contemplated it was obviously the duty of Thána Witness No. 19 as a trusted Government servant of high rank to report the matter confidentially.

Q. 7.—Please give figured statements of the demarcation work done in the several *tálukás* of your district in pursuance of Government Resolution No. 1106, dated 26th March 1864, and prior to the passing of the Forest Act, work done by the Survey officers, Assistant Collectors or special officers being shown separately. The figures of Imperial forests and village forests or first class reserves and second class reserves should be shown separately. It will be also useful for the Commission to know the principles on which the forest area was divided into two classes. The Commission desires also to have as full details as possible regarding the demarcation effected in Karjat by Major Lloyd, the subsequent additions made by Mr. Ok and the area set aside for forests at and about the time of the *varkas* measurements. Please, if possible, put in a copy of Major Lloyd's report and the correspondence ensuing thereon.

A.—In pursuance of the Government Resolution referred to, the following demarcation was done and reported on by special officers of the Survey Department:—(1) By Captain Hobson in 1864-65, 727 acres of Imperial and 400 acres of village reserves in 3 villages of Salsette; 27,467 acres of Imperial and 23,226 acres of village reserves in 30 villages of Bassein; 15,961 acres of Imperial and 14,825 acres of village reserves in 27 villages of Bhivandi. In each of these villages both Imperial and village reserves were marked off. In a few others only village reserves were demarcated. (2) By Captain Lloyd in 1865-66, 4,818 acres of Imperial reserves in 16 villages of Bhivandi; 17,597 acres of Imperial reserves in 32 villages of Murbád; 21,331 acres of Imperial reserves in 50 villages of Nasrápur; 41,909 acres of Imperial reserves in 23 villages of Kolvan, and 2,287 acres of Imperial reserves in one village of Sálsette. The area of village reserves demarcated by Captain Lloyd is not given in his report. Particulars of all subsequent demarcations which were reported on specially and were sanctioned by Government are to be found at page 42 of Part I. of the Thána Gazetteer. I cannot furnish the Commission with accurate details of demarcation done at *the survey* of the various *tálukás*, as no reports were submitted on the subject. If the Commission desires to have detailed statements prepared, showing the lands classed at the Survey, in the village *suds* as *sarkári rán, ránrakshan* or *rán*, all of which I understand to be equivalent to Government forest, such statements can be prepared either by *mámlatdárs* or by my office in the case of all *tálukás* to which the demarcation of Captains Lloyd and Hobson did not extend. Copy of Captain Hobson's report is put in (*vide* Exhibit No. 10).

Subject.—Trees in occupied lands—disposal of, under Ellis' rules.

Q. 8.—Has the principle of the decision in the case of Malang *vs.* the Collector of Thána (Special Appeal No. 267 of 1872) been applied to similar cases in the district.?

A.—Yes. This decision was the basis of my decisions in the case of the sales under Ellis' rules referred to in my Kalyán teak tree report, and it will doubtless be the basis of all decisions passed hereafter about such rules.

Q. 9.—Do you think any reliable estimate can be made of—

(*a*) the total quantity of fuel consumed locally, showing separately the quantity obtainable from sources other than the Government forests and the quantity usually drawn from the Government forests;

(*b*) the total quantity of wood required for agricultural implements—showing separately the quantity obtainable from sources other than the Government forests and the quantity usually drawn from the Government forests;

(*c*) the total quantity of wood for building and repairs of cattle-sheds and huts of poor agriculturists—showing separately the quantity obtainable from sources other than the Government forests and the quantity usually drawn from the Government forests?

A.—(*a*) I think that a fairly reliable estimate of the quantity of firewood which *ought* to be consumed locally can be formed. If there is no waste of wood, I believe that a candy and a half per head of population, lumping children and adults together, is a fair estimate. Thus a family of five persons (consisting of two adults and three children) would require 7½ candies per year. I take a candy as equivalent to an ordinary cart-load. People could, of course, manage (as they are compelled to do in Bombay, where firewood costs Rs. 4 or Rs. 5 per candy) with a small fraction of this amount. On the other hand, in many parts of Thána, where the waste of wood is enormous, very much more wood is actually used. About a year ago I got each village accountant in Sháhápur to prepare an estimate of the wood required for such a family. Some estimates were as high as 72 candies. But many well-to-do cultivators in parts of Kalyán where people have been compelled to buy their firewood have told me that five candies suffice for them.

(*b*) I think an estimate of the number of ploughs required based on the calculation of Thána Witness No. 27 would be fairly reliable, provided that there was no waste of wood. Allowing for waste this number may be doubled or trebled. The wood required for agricultural implements other than ploughs is so small in quantity that it may be neglected.

(*c*) The quantity of wood required for building and repairing huts is so small when compared with the forest area, and the demand for it, which depends mainly on the number of village fires, is so fluctuating that I do not think that any estimate either useful or reliable can be formed.

If the word Government forest is taken to include all Government waste land, whether notified as forest or not, it may safely be said that almost the whole of the firewood consumed must be obtained from the forest, the chief exception being in parts of *tálukás*—particulary Salsette—in which large areas of forest have been alienated. It is impossible to state even approximately what proportion of the wood required for either agricultural implements or for building purposes is obtained from Government waste lands and what proportion from private lands. In the case of dead firewood we have something to guide us, *viz.*, the fact that dead wood is obtainable in abundance only in large forest areas; but when wood has to be selected for a plough or for a rafter, a suitable tree is as likely to be found in private land as in Government forest.

Q. 10.—Are the wild tribes prevented from removing *kárvi* for sale? Would the concession help them materially, and is it open to any objection?

A.—The wild tribes are not, as a matter of fact, prevented from removing *kárvi* for sale, though I believe no such privilege has been conceded by Government, the forest officers consider the question of so little importance that they do not interfere with the wild tribes. Except when a forest is strictly closed for improvement purposes, I see no particular objection to allowing the wild tribes and also all other persons to remove from it *kárvi* for sale or for domestic use. But I am not of opinion that the concession will help the wild tribes materially. *Special* privileges granted to the wild tribes—as distinct from ordinary cultivators—are only of material benefit to them when there is a constant demand for the particular article they are allowed to remove from the forests. This constant demand exists in the large towns in the case of firewood; so that wild tribesmen can bring in head-loads of it with a tolerable certainty of being able to sell them at once. But *kárvi*, which is used for making mud walls for huts, is only in demand when a man decides to repair his hut, in which case he will usually deliberately make arrangements to procure the *kárvi* he wants, and will not rely on casual hawkers.

Q. 11.—Colonel Godfrey's evidence, page 10, *Question.*—Do you consider that any subsequent demarcation of land for forests was inconsistent with the principle on which the *varkas* land was settled by the Survey of the Karjat *táluka*? *Answer.*—Yes. It is optional with Government to give any orders they choose. But such demarcation would naturally go far to infringe on the previous customary *vahivát* enjoyed by the people. Can you from the records throw any further light on this point?

A.—I have to prove the incorrectness of Colonel Godfrey's supposition that "subsequent forest demarcation in Karjat *táluka* was inconsistent with the Survey Settlement."

2. Demarcation was done by Messrs. Lloyd, Ok, and Frost, but as the work of the two latter officers was never sanctioned, I need only deal with Captain Lloyd's work.

3. I also need deal only with the case of the Khálápur *peta* of Karjat, because Government did not finally sanction the Survey Settlement of Karjat proper till 1867, *i.e.*, after Lloyd's work had been completed.

4. Captain Francis wrote (paragraph 28 of report No. 32 of 1855):—

"*Each holding of rice has its allotted portion of varkas or hill which furnishes the ráb* * * * *. Some villages contain more land than is required for this purpose. Such unallotted spots are considered Government land, and no right to them is recognized. They are frequently cultivated by non-resident rayats having no holding of rice in the village. Where cultivation of this kind occurs, the plough tax should, I think, be levied as the *varkas* assessment by the proposed plan of settlement is to be collected from the holders of the rice land only *and in consideration of the varkas attached to each holding. Land of the above description does not come within the scope of the assessment,* and when cultivated by persons who have no rice holdings, I think it should be treated as above; but if a holder of rice in the village cultivates therein he should not be called upon to pay any additional assessment."

5. The Thána Collector on this said (paragraph 15 of letter No. 387 of 22nd February 1855) :—

"He (Captain Francis) also makes a further exception of such unallotted spots as are considered Government land * * * * and *which he does not propose shall come within the scope of his assessment.*"

6. Government while temporarily sanctioning the proposal said (Government Resolution No. 3370 of 1856) :—

"The absence of any land-marks by which the sub-divisions of hill lands attached to rice cultivation may be identified and distinguished not only from each other but also from the *gurcharan* common to the village, and *from the Government unappropriated forest* and grass lands appears to his Lordship in Council a great imperfection in Captain Francis' scheme of assessment. It can hardly be otherwise than that unless such defined limits are laid down by the Revenue Survey, future encroachments, disputes and uncertainties must necessarily arise."

7. The Forest Committee of 1863 of which Captain Francis was a member, said (paragraph 43 of the report) :—

"The Government forest lands (in Nasrápur) however, *which were not made over to the cultivators under the Settlement,* should be marked off *by* well defined boundaries."

Captain Lloyd, accordingly, did mark them off.

8. Captain Francis, in his memorandum No. 177 of 1st June 1855 to the *mahálkari* of Khálápur, explaining in detail the principles of the Survey Settlement, said on the subject of *varkas* cultivation :—

"Inasmuch as the assessment of *kharif* and that on *varkas* have been lumped together, whereas some cultivators have no *kharif* and others little, the assessment on *varkas* cultivation should be levied according to the following rules :—

(1) Persons cultivating only *varkas* should be charged Rs. 1-8-0 per plough.

(2) Persons cultivating *kharif* assessed at less than Rs. 1-8-0 should be charged Rs. 1-8-0 per plough for *varkas* cultivation.

(3) Persons cultivating *kharif* of which the assessment is between Rs. 1-8-0 and Rs. 2-8-0 should pay one rupee for *varkas* cultivation.

(4) Persons cultivating *kharif* assessed at between Rs. 2-8-0 and Rs. 3-4-0 should be charged 12 annas for *varkas* cultivation.

(5) Persons cultivating *kharif* assessed at between Rs. 3-4-0 and Rs. 3-12-0 should be charged 8 annas for *varkas* cultivation * * * * * * * * * *. Any persons willing to cultivate may do so on going to the *pátil* and *taláti* and executing a *kabuláyat* * * * * *. Persons whose *kharif* land is assessed at more than Rs. 3-12-0 are not to be charged any thing for *varkas* land if they cultivate such land."

9. Three things are perfectly obvious from these extracts, viz., (1) The officer (Captain Francis) who introduced the settlement, the Collector of Thána, and Government understood that *varkas* land other than that understood to be allotted to rice land did not come within the scope of the assessment. (2) Cultivators were told nothing further than that they would be charged certain sums (or nothing) for *varkas* cultivation if they did cultivate unallotted *varkas*. They were not told or given any reason to suppose that Government abandoned its right to decide whether any particular portion of unallotted *varkas* land should be open for or closed to cultivation. Also they were not told that they were at liberty to exercise any user of unallotted *varkas* other than cultivation. (3) Neither Government nor Captain Francis understood that under the settlement the right of Government to lands known as unappropriated forest had been abandoned,

10. Again, it was clearly an impossibility for a rice cultivator to cultivate a piece of *varkas* that anybody else was cultivating. But under the settlement any outsider whatever could enter into an agreement (*kabuláyat*) with Government for the cultivation of any particular portion of *varkas* land. If this liability, under which any rice cultivator lay, of seeing a portion of *varkas* which, though not attached to his holding, he had some vague idea of cultivating at some future date, appropriated continuously by some outsider was not inconsistent with the Survey Settlement, then the appropriation (for forest) of such a piece of land by Government direct instead of by the agency of its lessee (the *kabuláyat* holder) could not be inconsistent with that settlement.

11. It may also be mentioned that Captain Lloyd's Imperial forest consisted merely of the steep slopes of hills on which *varkas* cultivation as distinct from *dalhi* (which was only practised by wild tribes, and for which special rules were made under the settlement) was an impossibility.

12. Lastly, it may be considered that Captain Lloyd's demarcation was done with the consent of the cultivators; for a silent acquiescence in his procedure by people who have always been so well alive to their own interests as the well-to-do Pándharpeshás of Khálápur may be construed into consent. The real reason for that acquiescence, of course, was that Captain Lloyd merely selected lands, of which the regular cultivators could make no use. He left outside forest the lands which were capable of ordinary cultivation and the lands which had previously supplied *ráb* material and all wood required for domestic and agricultural purposes.

13. I have, of course, argued on the assumption that a contract made by Government at the Survey Settlement of Khálápur was made with rice cultivators alone. This will be admitted, if it is borne in mind that rice numbers were the only survey fields that were formed, and that the holders of these fields were the only persons whose names were registered in the records as survey occupants.

Subject.—Conversion of varkas into kharif.

Q. 12.—Is the case referred to in the statement of Thána witness No. 38 an isolated one? Or has the same principle been followed in dealing with all such applications to convert tree-clad *varkas* into *kharif*?

A.—I believe it is the regular practice in those *tálukás* in which Government rights to trees in private *ráb* lands are reserved to prohibit the felling of those trees for the sake of extending cultivation. Such a prohibition has frequently been issued on my own recommendation. I believe that cultivation cannot be further extended with advantage in the Thána District, if such extension means the sacrifice of trees. Thána is the district on which Bombay and Gujarát now rely and will always rely for their supply of firewood and to some extent timber; and it should be treated in the main as a district more suited to the growth of trees than of crops. In the more thickly-populated parts we already find a difficulty in preventing even the local demand from resulting in the denudation of the hills. The natural gradual increase of cultivation and population in the more remote parts will there, unless firmly checked, bring about the same result.

Subject.—Fees charged for material for mándavs at the Mahálakshmi jatra in Vivalvedhe, táluka Dahánu.

Q. 13.—Will you please describe the circumstances under which the fees described in statement of Thána witness No. 45 are levied?

A.—The statement made by the witness is, as far as I can ascertain, accurate, except that in the correspondence which I have seen, no mention is made of wood cut in *málki* and *inám* lands but only of wood cut in the forests. The practice of making pilgrims pay for their huts does not, in my opinion, stand in need of any defence. The wood (both in the forests and in *málki* lands) in the Dahánu *táluka* is the property of Government, and Government officers consequently think it right to charge outsiders for the use of it. I have not myself been to this fair, but I understand that the huts are used almost exclusively by the shop-keepers who come from all parts of the district and establish a bázár for a time.

Subject.—Object of survey allotments of varkas.

Q. 14.—Is there any thing in the survey reports or other records to confirm or rebut the statement made by Thána witness No. 56?

A.—The extract from a Government Resolution which I have given in paragraph 2 of my answer to Question 3 explains at length the object of *varkas* allotments, *i.e.*, the definition of the boundaries of forest lands attached to rice lands for *ráb*, and the making over of such forest lands, with full occupancy rights, to the holders of the rice land. I would particularly draw the attention of the Commission to the following sentence:—"It can hardly be otherwise than that, unless such defined limits are laid down by the Revenue Survey, future encroachments, disputes and uncertainties must arise."

Subject.—Claims to right in fruit trees standing in waste lands.

Q. 15.—The Commission would be glad to have a copy of the agreements said to have been executed with regard to such trees under the direction of Mr. Bell, as also copy or copies of the judgments of the district court in cases in which the plaintiffs are stated to have failed as they were not able to prove proprietary right in soil.

A.—A copy of the agreement mentioned is put in (*vide* Exhibit No. 11). Only two suits as far as I can ascertain have been instituted. One (Kána Dhámlya and another *versus* the Collector of Thána, A. J. 35 of 1870) was withdrawn at plaintiff's request without permission to bring a fresh suit. The other was Ratanji Shápurji *versus* 1st Assistant Collector and Mahálkari, A. J. 23 of 1870. Copies of judgments of lower and appellate courts are put in (*vide* Exhibit Nos. 12 and 13).

Q. 16.—In paragraph 15 of the printed memorial to the Viceroy by the Thána inhabitants, the population of the wild tribes or foresters is given as 237,680 souls. Presumably this total includes all the members of all the castes which it is customary to include in the term "wild tribes." If so, it is obvious that a very large proportion of this population are settled landholders, tenants, or agricultural labourers, who are not dependent on the forests for their livelihood in a greater degree than the ordinary rural population, such as Kunbis, Maráthás, Agris, Mhárs, &c., of the district. If possible the Commission would like to have approximately accurate figures showing the total number of souls in the Thána district who are practically dependent for their maintenance during the fair season on their labour in collecting and carrying forest produce?

A.—It would take a long time to collect even approximately accurate statistics. I may remark, however, that the whole population in many parts of the district, *e. g.*, Mokháda, much of Dahánu and Váda and many villages in the Sháhápur and Murbád consists of wild tribesmen. These, in *their* villages and hamlets are dependent on the forests to exactly the same extent as and no greater an extent than Kunbis, &c., are in their villages. It is only in the neighbourhood of railway stations and bázár towns where there is a demand for forest produce on the part of traders for trade purposes or of Pándharpeshás for their own consumption, that the wild tribes, as distinct from ordinary cultivators, occupy themselves as hawkers.

Answers to Questions at the suggestion of the Secretary, Thána Forest Association.

Q. 1.—Did the demarcation of first and second class reserves in the Váda *táluka* take place before or after April 1867?

A.—The demarcation of first and second class reserves in Váda *táluka* took place in 1873, 1874 and 1875. I have not been able to ascertain whether any demarcation by Survey officers of Imperial and village reserves took place in that *táluka* after April 1867.

Q. 2.—Did Ellis' rules apply to teak trees in rice fields and *varkas* numbers or to those in the latter only? If your proposal regarding the future application of these rules was accepted, and made applicable to the area under the Kolvan and Dahánu settlements, do you not apprehend the same difficulty in distinguishing a cart-load of private teak from Government teak?

A.—Ellis' rules were applied to trees in both rice and *varkas* numbers. I do not think that they should now be applied to any lands at all in the *tálukás* coming under the Kolvan-Dahánu settlement.

Q. 3.—To what do you principally attribute the salvation of the *málki* numbers in the Kolvan and Dahánu *tálukás*—to the prohibition against exporting and selling for export, or to the rule requiring an occupant to obtain permission before cutting any tree even for domestic and agricultural consumption?

A.—I think the two prohibitions are closely connected with one another. The prohibition to cut without permission has made it easier to enforce the prohibition to sell or export the wood.

Q. 4.—When was the rule making it necessary for permission to be obtained before trees are felled in *málki* numbers first introduced? If you know of any Government order authorizing this rule please produce it.

A.—In 1865. I know of no Government order authorising this rule.

Q. 5.—Do you hold it was competent for Government to modify the Revenue Settlement in such a manner? If so, what are your grounds for holding such a view?

A.—Under the settlement Government were proprietors of the trees in occupied lands, but occupants could cut the trees for specified purposes. Government by insisting that the occupants should show before cutting that they really needed the wood for those specified purposes did not, in my opinion, modify the settlement, but merely made it workable.

Q. 6.—Was an occupant's right of user to cut trees for domestic and agricultural requirements under the Kolvan Settlement recognized not only in respect of his *málki* numbers, but even in respect of the waste lands, excepting of course the then demarcated Imperial forests, and this too without his being required to obtain permission before cutting any trees. Was the rule imposing on him the necessity of obtaining previous permission made applicable to both the classes of land or only to the former? Whatever your view, please cite your authority in support of it.

A.—As Forest Settlement Officer appointed to inquire into the existence of rights in waste lands in Kolvan, I do not consider myself at liberty to express an opinion as to

whether or not certain rights were recognised at the Survey. I will, however, state a few facts. The first is that, in the Government Resolution on the settlement (No. 3183 of 5th September 1866), Government merely said "ample liberty seems to have been given to the rayats respecting the cutting of timber by the arrangements of Major Waddington." The second is that Government then had before them two explanations of the arrangements that had been made—one, in three sentences, by Major Waddington and the other in three paragraphs by his superior officer, Colonel Francis. The third is that Major Waddington's written notice to the *mámlatdár*, explaining the terms of the settlement in detail, for communication to the cultivators, agreed with Colonel Francis' explanation to Government and not with his own. The fourth is that while according to Major Waddington's explanation the *ample liberty* (referred to in the Government Resolution) extended to all lands except Imperial forests (which had still to be demarcated), on the other hand, according to Colonel Francis' explanation and according to Major Waddington's own written notice to the *mámlatdár* this ample liberty only extended to the jungles of the *varkas* numbers. The rule imposing on a landholder the necessity of obtaining permission before cutting trees applied only to private lands.

Q. 7.—In reply to question 1 of the circular questions, you have stated that *ráb* privileges are "absolutely incompatible with a working plan providing for a maximum yearly outturn of firewood," while in reply to question 10 of the second set of questions by the Commission at Kalyán (*vide* page 49), you have stated that "huge and dense jungles consisting merely of *málki* numbers are to be found in very many parts of Kolvan, but hardly in any other parts of the district" with which you are acquainted. Are you, then, of opinion that the existence of "dense and huge jungles" is quite compatible with the almost free and unrestricted exercise of rights of user in any given area for domestic and agricultural consumption even though the theoretical "maximum yearly outturn" of firewood or any other forest produce be not available?

A.—The case of the Kolvan *varkas* numbers cannot fairly be compared with that of certain forest in the densely populated parts of the district. In the former case the so termed "almost unrestricted user" is confined to an individual whose wants are few, who is not allowed to cut a tree without permission, who is allowed to get his firewood from extensive forests, and whose "almost unrestricted user" consequently amounts to a mere user for *ráb*. In the latter case we find a large number of persons resorting to a small area of forest for almost everything they require, and we must expect that their "almost unrestricted user" of it will result in the gradual exhaustion of its more accessible portions.

Q. 8.—Can you give the Commission any estimate of the maximum yearly outturn of firewood in one forest block (say of 10,000 acres) in which all rights and privileges are extinguished, and in another similarly circumstanced forest block in which the rayats are allowed to exercise the same rights of user as those which the Kolvan and Dahánu occupants have exercised in their *málki* numbers? If so, will you also give the grounds on which you base your estimate?

A.—No. An estimate would depend on the density and age and condition of the trees in each forest, and on the number of persons resorting to the second forest.

Q. 9.—You have told the Commission that you suppose that *ráb* requirements of the people were fully provided for and their *ráb* rights, if any, finally commuted by the allotment of the *varkas* numbers. Can you produce any Government Resolution authorising the survey officers to commute the previously existing *ráb* rights of the people by the allotment of the *varkas* numbers, or even directing them to fully provide for their *ráb* requirements? What do you think to be the average reasonable proportion of *varkas* land to one acre of rice if the *ráb* requirements of a holder of rice land are to be fully provided for?

A.—My answer to No. 3 of the special questions sent to me by the Forest Commission is practically an answer to this. I consider that the Government Resolution from which extracts are given in paragraph 2 of that answer did order the commutation of the *ráb* user of *varkas* previously enjoyed. Government in that Government Resolution really made three statements, viz., (1) *ráb* material for a particular rice-field is always cut on a particular patch of *varkas*, the boundaries of which are known to cultivators but not to us; (2) To prevent future encroachments the boundaries of all such patches of *varkas* are to be ascertained and defined by the Survey Department; (3) Such patches are to be allotted by the Survey Department to the holders of the rice-fields who must in future pay for them. Assuming that *varkas* is densely wooded and that cowdung is not used I consider half an acre of such *varkas* land would continuously supply sufficient tree loppings for the seed beds of one acre of rice land, of which seed beds I estimate the area to be 8 *gunthás*. But in such very densely wooded *varkas* grass cannot be expected to grow in abundance and consequently I think that about 2 acres of grass land will be required to provide the grass to burn on the seed beds with the tree loppings. If the *varkas* consists of grass land containing few and scattered trees and also if cowdung is not used I think three acres of *varkas* will be required to supply both tree loppings and grass for *ráb* materials to be burnt on the 8 *gunthás* of seed beds required for one acre of cultivated rice land.

Q. 10.—Will you explain the discrepancies clearly apparent in the report by Major Waddington on the Kolvan settlement and the memorandum embodying the terms of the same settlement (1) as regards the trees reserved by Government in occupied numbers, (2) as regards the area over which the occupants' right of user for domestic and agricultural

consumption was recognised at the time of the settlement, and (3) as regards the power alleged to have been reserved to Government, of resuming any occupied numbers for forest purposes if subsequently found necessary ?

A.—I cannot. But the memorandum is not inconsistent with Colonel Francis' explanation to Government.

Q. 11.—Do you know if it was the invariable custom in the early days of British rule, whenever any village having a large forest situated within its limits, was wholly or partly alienated, or wholly or partly farmed out, to a person to expressly stipulate with him that he (the alienee or farmer, as the case may be,) shall duly respect the right or *vahivát* of the people of the surrounding non-forest villages to remove forest produce from it or graze their cattle there ?

A.—Such cases have not come to my knowledge.

Q. 12.—Do you consider that by expressly stipulating in such a manner with the alienee or farmer, as the case may be, Government confessed its inability to alienate in favour of the alienee or farmer that which the State never before claimed or enjoyed, or which, if it had ever before claimed or enjoyed it, Government was at that time conscious of having already alienated in favour of the people residing both within and outside its limits ?

A.—If Government did make such a stipulation I do not think it necessarily follows that they had any motive other than to prevent people from suffering a loss for the benefit of the alienee. Of course in each case the exact terms of the stipulation (if any) should be considered.

Q. 13.—Does not such a stipulation moreover show that the custom or right of non-forest villagers to resort to the nearest forest villages for supplying all their requirements of forest produce is one of very ancient origin and not one of recent growth ?

A.—Yes, provided that there was such a stipulation, and provided that it did not relate merely to a possible contingency, of course, such a stipulation would justify such a conclusion merely as regards the villages specially mentioned.

Q. 14.—Can you produce any Government Resolution or orders tending to show that the old Imperial forests were declared to be free of all rights or privileges ?

There is first the Government Resolution (No. 4064 of 14th November 1863) appointing the committee of 1863 to inquire and report about rights in the Thána forests.

Next there is the report of that committee who stated that there were no private rights but that there were certain permissive privileges, and recommended that such privileges should be continued subject to certain regulations. The main points in the regulations suggested were that (1) the privileges should extend to the taking of only certain kinds of wood, (2) they should extend to all lands except specially reserved forests. Officers were to be appointed to mark off the tracts which were to be considered specially reserved forests.

Next there is the Government Resolution (No. 1106 of 26th March 1864) accepting the committee's views.

Next there is the appointment of officers to carry out the recommendations and mark off the " to be specially reserved tracts."

Next there are the reports of Captains Lloyd and Hobson stating the effect of their demarcation effected under these orders.

Next there are the two Government Resolutions (No. 1199 of 7th April 1866 and No. 4345 of 23rd November 1866) sanctioning the work of these officers.

The effect of these orders and reports was briefly that Government (1) accepted the opinion of the committee that there were no rights, (2) declared that privileges should only be exercised in lands other than Imperial Reserves, (3) decided in some *tálukás* which lands should be called Imperial reserves, *i.e.*, decided that privileges should not be exercised in certain lands demarcated as Imperial reserves.

Q. 15.—Do you know why the Forest Act of 1865 was never extended to this Presidency ?

A.—No.

Q. 16.—You have told the Commission that what you conceive to have been the object of demarcating old Imperial reserves has been actually carried out in all of them with very few exceptions. Can you name these exceptional cases and state the reasons which have prevented the object being carried out in their case ?

A.—I know a few villages in Sháhápur, *e.g.*, Sájivli, Bendekon, Aore and Khárivli in which Imperial reserves have not been treated by the people as close reserves. I consider that in these villages the demarcation was not done with sufficient care.

Q. 17.—Can you produce any document from the Survey records showing that the *rán rakshan gurcharan* numbers in the *tálukás* settled before 1863 were intended to be dealt with on the occasion of any subsequent forest demarcation.

A.—No.

Q. 18.—Assuming for a moment that such was the implied though not the expressed original intention of the Survey Department, and that your theory regarding such numbers is sound, do you not consider that the requirements of that intention and that theory were satisfied immediately after the first forest demarcation had taken place? If not, why not?

A.—Yes, in the survey numbers in which a separation of forest and grazing lands was made, the intention to separate such lands was, of course, fulfilled. I object to the theory referred to being called mine.

Q. 19.—Would such a separation once effected preclude a subsequent re-adjustment by which a larger area of the same numbers would be taken into forest?

A.—No. It would not in any way prevent a subsequent re-adjustment. If a "forest and grazing" survey number is divided into two portions, one "for forest" and the other for "grazing", the "grazing" portion becomes at once subject to the same rules as other grazing land. But all grazing land set apart at the Survey was so set apart on the condition that it should be liable to be devoted to any other purpose at any time with the sanction of the Commissioner.

Q. 20.—Do you not consider that the lands rejected at the time of that demarcation as being unsuitable and not required for forest conservancy should not have been described in the village records as *rán rakshan gurcharan* numbers, and that at the time the intention of those who rejected them must have been to constitute them communal property just in the same sense as it is your intention to deal with lands now rejected by you?

A.—When a part of a survey number classed as "forest and grazing" was converted into forest, the remainder should have been, and was, as far as I can ascertain, classed as grazing land or village reserve (the term communal property is too strong). I do not consider that demarcation officers dealt in any way with survey numbers which they did not class as either Imperial reserves or village reserves, the two sorts of forest of which they reported the demarcation.

Q. 21.—How would you describe in the village register the lands referred to by you in your reply to question 3 of the circular questions bearing in mind that the tree growth therein has to be preserved in the interests of the people, and teak growth perhaps in the interests of Government? And what are your grounds for saying that the entry *rán rakshan karun gure mophat chárávi* or another to the same effect made against all the waste numbers rejected at the time of the first demarcation was not intended to convey the same meaning as that which is generally expressed in your said reply?

A.—As village forests.

The corrected survey records of all villages reported on show that village reserves demarcated by Captains Lloyd and Hobson were classed as *gávbhág* or *gávche rán* and not as *rán rakshan karun gure mophat chárávi*.

Q. 22.—What are the modifications of your former proposals which you have recommended Government to adopt in the Kalyán *táluka* (*vide* question No. 7, Part I, page 48, at Kalyán). Give such details as you can, so that the Commission may judge of the sufficiency or otherwise of the arrangements proposed to be made to meet local requirements. What were the facts which were elicited during your inquiry which led you to recommend the proposed modifications?

A.—As my demarcation proposals have not yet been sanctioned by Government, I consider it my business to treat them as confidential. As the facts referred to were the grounds for the modifications referred to, to mention them would practically amount to explaining the modifications.

Q. 23.—In reply to question 7 of the questions submitted to you at Kalyán, you have stated your opinion that "perhaps no villagers if they take care to grow trees in the waste lands not included in forests and on their *varkas* numbers will, after about ten years (perhaps less) find it necessary to rely on the reserved forests for any *ráb* material at all." Do you think any invitation to plant trees in waste lands would be likely to inspire the same confidence as the proclamation issued by Mr. Law in 1847?

A.—I did not say I would issue such an invitation and I would not. If I were Collector of Thána my influence over *pátils* would be sufficient to ensure the planting of trees in spots selected by myself. I would not give any guarantee to anybody.

Q. 24.—Was Mr. Law's invitation responded to by the people of Thána, and, if so, with what results?

A.—I believe that it can have been responded to in very rare cases indeed. I have never met a cultivator who knew of it.

Q. 25.—Has Government fulfilled those pledges or has the recent forest policy interfered with their fulfilment?

A.—The forest policy of Government has not interfered in any way with the fulfilment of those pledges. Government left to Forest Settlement Officers the duty of investigating claims, to rights, and they have done their duty to the best of their ability. If the Thána Forest Association, instead of clamouring about the breaking of pledges by Govern-

ment, had really helped rayats to put their case properly before Forest Settlement Officers and had not left those officers to decide complicated questions of fact and law with the assistance merely of Government records and a few half-naked and wholly untaught villagers, it is possible that the result of those inquiries would have been more satisfactory to all parties.

Q. 26.—Are you aware that a wide-spread feeling prevails in Thána that those pledges have been recently violated by Government?

A.—No, except so far as the cultivators of the more civilized parts have been recently taught this by the large landholders, money-lenders, and traders.

Q. 27.—Assuming such a feeling to exist, would you expect the Thána rayats to respond to such an invitation as the proposed one even if it contained as definite assurances as the former one, or would you hold them to be justified in refusing to act upon that invitation on the strength of their past experience?

A.—I have already stated that I would give no guarantee and issue no invitation. I would merely as Collector, persuade *pátils* to have a thing done which I think would be to the advantage of the people. Orders coupled with praise and rewards for good behaviour can still effect a great deal in Thána.

Q. 28.—Assuming, however, that in response to the proposed invitation the Thána rayats planted trees in the now disforested waste lands and brought about their reboisement, do you not consider that such lands would still be liable to be taken up for forest conservancy on the occasion of any future forest demarcation, on the strength of the recently accepted doctrines that property in the tree growth follows property in the soil, and that prescription does not run against the Crown?

A.—Yes, in the absence of any express guarantee, provided that a future Government finds reason to feel dissatisfied with the policy that will now be adopted.

Q. 29.—Assuming further that the present demarcation is final, do you not consider that the fatal objection mentioned in the former question still holds good, because the Revenue Department also can at any time turn the new tree growth in those lands brought about by the efforts of village communities into a source of additional revenue on the strength of the same doctrines by taxing the tree produce available therefrom.

A.—Yes, with the proviso given in my last answer.

Q. 30.—Assuming that the apprehensions of the Thána rayats expressed in the foregoing questions are well founded, what substantial guarantees would you propose that Government should give if your proposed invitation is to be anything better than a mere dead letter.

A.—No guarantee.

Q. 31.—In reply to question 12 of the circular questions you have stated that "the object of the demarcation of these old forests (the Imperial reserves) twenty years ago was that they should, as distinct from the village reserves, be reserved expressly for Government, and should be closed to man and beast;" that in other words these old forests should be free of all rights and privileges that may have existed before. How do you reconcile this statement with the fact that it was the declared policy of the Supreme Government, ratified also by the Imperial Legislature in 1865 that the demarcation of any Imperial reserves was in no way to interfere with the previously existing rights and privileges?

My answer to question 14 of the previous questions put at the suggestion of Mr. Chiplunkar is practically an answer to this also. Government had what it considered reason to believe that there were no rights. It decided that the privileges enjoyed should be continued subject to regulation. An intention not to withdraw privileges does not bar their reasonable regulation. Also when privileges have been exercised over an area of land far more than sufficient, the limitation of them to certain trees (all but a very few) and to certain areas (all but a small portion of the forests) cannot be called unreasonable regulation.

Q. 32.—Having studied the forest history of the *tálukás* with which you are officially connected, can you say whether the farming system pursued under Dr. Gibson's administration and for some time after, and the extensive cuttings for railway purposes before and after its construction, as well as those for trade with the sanction of the department are more responsible for the present denuded condition of the district generally, and of some *tálukás* especially, than the cuttings made by the rayats for their domestic and agricultural consumption?

A.—The farming system referred to and the railway cuttings doubtless did much harm to the forests at the time, but if it is borne in mind that owing to the heavy rainfall of Thána, a dense forest fifteen or twenty feet high will grow in five years on a bare piece of ground on which every tree has been felled level with the ground, without it being necessary to plant new trees, or to do anything whatever except to close the land to man and beast, I do not see how the cuttings of twenty or thirty years ago can be responsible for the *present* denuded state of some parts of the district.

Q. 33.—Do you consider that the great increase in the number of railway stations in the Thána District which has taken place during recent years, affords increased facilities for illicit cuttings for trade, and that it is desirable to close some of these stations for trade in articles of forest produce.

A.—I do not know what *increase* is referred to. The existing number of railway stations, of course, does make it easy to dispose of forest produce illicitly obtained to the traders who keep depôts at those stations and export forest produce to Bombay. But I doubt whether it would be possible to close such stations.

WITNESS No. 4.

26th July 1886.

Mr. A. D. WILKINS, Divisional Forest Officer, North Thána, stated in reply to questions

By the Commission,

Q. 1.—Will you give a brief history of the working of the agricultural depôts in the Thána District, or place before the Commission any official report giving this information?

A.—Agricultural depôts were first established in South Thána, which then comprised the Murbád, Kalyán, Karjat, and Panvel *tálukás* of Thána, and the Pen and Álibág *tálukás* of Kolába, on the 1st December 1882, under the orders of the Conservator of Forests, contained in his letter No. 1968, dated 20th May 1882.

The depôts were placed at the following places in Thána:—

Kalyán *Táluka*—	Murbád *Táluka*—
1 Vángni.	1 Jámburde.
2 Kulgáv	2 Sájai.
3 Titvála.	3 Vaishákre.
	4 Khutal.
Karjat *Táluka*—	Panvel *Táluka*—
1 Karjat.	1 Maldunge.
2 Sugve.	2 Kalhe.
3 Khálápur.	3 Sávne.
4 Chauk.	4 Ránsai.
5 Neral.	5 Vájepur.
	6 Cheravli.

The following was the kind of material placed in each depôt and the prices at which it was sold:—

50 second class rafters (teak) sold at 10 annas and 7 annas each respectively for straight and crooked.

150 third class rafters (teak) sold at 8 annas and 5 annas each respectively for straight and crooked.

50 *khámbs* or posts (teak) sold at 10 annas and 5 annas each for large and small respectively.

250 *sápdis* or small rafters (teak) sold at 1 anna each.

50 Plough-shares (khair) sold at 2 annas each.

50 *halshi* or pole
50 *jokhád* or yoke
50 *rumni* or handle
} of *injáili* kinds generally used to be sold at an anna each.

The quantity of material sold from each of the above depôts from the date of their being opened to the end of June 1883 will be found in the accompanying statement marked A (*vide* Exhibit No. 14).

The following general rules were drawn up for the guidance of depôt officers in managing the depôts:—

1*st.*—That agricultural depôts having been specially established for cultivators and poor people only, such people should be allowed the privilege of purchasing wood from them.

2*nd.*—That the depôt officer shall not be allowed to sell more than Rs. 10 worth of wood to any one person.

3*rd.*—That any one wishing to make a larger purchase shall make a written application to the District Forest Officer.

4*th.*—That a register according to accompanying form marked I. showing the name, residence, and occupation of the purchaser, the quantity of wood purchased, and the date of sale should be kept and submitted monthly to the District Forest Officer.

5*th.*—That a statement in the accompanying form marked II. showing the quantity of material sold, the value received and balance of material on hand shall also be kept and submitted at the end of each month to the District Forest Officer.

Under the same orders from the Conservator of Forests in North Thána, which was then composed of the Sháhápur, Sálsette, Bhivandi, Váda, Bessein, Máhim and Dahánu *tálukás* depôts were opened at the head-quarters of each round guard and the following description of material placed in each :—

50 ploughs, that is to say, all the material required for 50 ploughs and sufficient material of *injáili* kinds required for the construction of 6 ordinary houses used by the common people.

The rates at which the above material was to be sold were fixed as under :—

For ploughs 25 per cent. over and above the actual cost of cutting and placing the ploughs in the depôts.

For house material 50 per cent. over and above actual expenses.

The rules for the management of these depôts were similar in all respects to those of South Thána, but round guards were ordered to observe the rule mentioned in paragraph 28 of the printed Thána Conference Report of October 1882, namely, " wood for building and agricultural implements not to be had without a pass from the *mámlatdár*"—a precaution that was subsequently approved of in Government Resolution No. 7580, dated 10th October 1883.

The quantity of material sold from these depôts was very small, and they were reported to be a failure in the Divisional Forest Officer's administration report for 1882-83. At a second Forest Conference held in October 1883, it was decided to continue the system of agricultural depôts, to cancel the order requiring cultivators to produce a certificate from the *mámlatdár* before being allowed to purchase material at the depôts, and to adopt generally for the two Divisions the rules in force in South Thána, that a *bonâ fide* cultivator, whether poor or well off, shall be allowed to buy wood up to Rs. 10 in one year at any depôt, his receipt book being accepted as a proof of his being a cultivator; in default of a receipt book as in the case of *ekṣáli*, and subtenants, the certificate of the *taláti* that the bearer is a *bonâ fide* cultivator was accepted.

The situation of the depôts was re-arranged as follows :—

North Thána.

Váda *Táluka*—
1 Váda
2 Kalambhe.
3 Gárgáv.
4 Tilgáv.
5 Pálsai.
6 Sáprode.

Sálsette *Táluka*—
1 Ghodbandar

Máhim *Táluka*—
1 Saphála.
2 Pálghar.
3 Boisar.
4 Dahisar.
5 Manor.
6 Máhágáv.

Bassein *Táluka*—
1 Khárbáv.
2 Sasunavghar.
3 Mánikpur.
4 Virár.
5 Mándví.
6 Bhátáne.

Dahánu *Táluka*—
1 Vángáv.
2 Sávte.
3 Malyán.
4 Gholvad.
5 Vevji.
6 Sanján.
7 Bhilád.

South Thána.

Sháhápur *Táluka*—
1 Aghai.
2 Vásind.
3 Asangáv
4 Átgáv.
5 Khardi.
6 Kására.
7 Shere.
8 Chariv.

Kalyán *Táluka*—
1 Badlápur.
2 Vángni
3 Titvála.
4 Khadavli.
5 Ambarnáth.
6 Poi.
7 Karavli.

Karjat *Táluka*—
1 Khálápur.
2 Chauk.
3 Khopavli (Campoli).
4 Sugve.
5 Neral.
6 Chinchoti.
7 Ulman.

Murbád *Táluka*—
1 Murbád.
2 Khutal.
3 Shiravli.
4 Nyahádi.
5 Dhasai.
6 Deheri.

Copies of the *jahirnáma* regarding the establishment of these depôts and the rules for the management of the same are attached hereto marked I and II respectively (*vide* Exhibit Nos. 15 and 16).

Under the above arrangements, the agricultural depôts continued in force until the issue of Government Resolution No. 5880 of 20th July 1885, abolishing them. The sales of material at each depôt in both North and South Thána during 1884 and 1885 will be found in the accompanying statements marked III to IV (*vide* Exhibit No. 14).

Under instructions contained in the Conservator's endorsement No. 18, dated 3rd January 1884, forwarding Government Resolution No. 9443, dated 22nd December 1883, fifty *bailás*, loads of *táhál* (branches) were placed in each depôt for sale to cultivators, the price fixed for each load being 5 per cent. in excess of actual cost of cutting and carriage.

These rates varied from 6 pies to 2 annas according to the distance the depôts were from the forests. There was no demand for this *ráb* material, and it rotted away in the depôts or was sold at the end of the season for a few annas.

Q. 2.—Please state within what forest areas in Thána the right of grazing or removing grass has been sold by auction during the past year? What, if any, restrictions have been placed on grazing in lands set apart at the Survey for free grazing? Has the grazing been sold in the closed areas of Reserved or Protected forests? Have cattle been prevented from grazing in area where fellings have recently taken place?

A.—In North Thána the right to cut and remove grass only for sale was sold during the past year.

The areas in which this right was sold will be found in the two accompanying notices calling for tenders.[1]

When fellings are made in *gurcharan* lands, the *coupe* or portion of the forest in which the trees have been felled, is closed against grazing until the young coppice shoots have developed sufficiently to be free from injury by cattle. Care is always taken to leave sufficient grazing ground for the village cattle, and, if the grazing area is ever found to be insufficient, the villagers are allowed to take their cattle to the Reserved forests.

Grazing in closed areas of Protected or Reserved forests has not been sold hitherto. Cattle have, as stated above, been prevented from grazing in areas where fellings have recently taken place. The information required from South Thána in reply to this question will be given separately. (*Vide* Mr. Hornidge's statement below at page 272.)

Q. 3.—Is the species of bamboo called *mánvel* in the list appended to the Collector's printed circular of 30th October 1883, the same as the *velu* bamboo mentioned by the Thána witness No. 52?

A.—Yes. There is no difference. The people in the coast villages call it *velu*, while to traders it is known as *mánvel*.

Q. 4.—With reference to Mr. Sadhle's (Thána witness No. 56) account of the system for supply of firewood, &c., introduced in North Thána in 1882, please state if the account given is accurate and if the effects described by the witness actually took place.

A.—This question will, no doubt, be answered by Mr. Betham. But I submit I do not quite see what Mr. Sadhle's evidence regarding the supply of firewood in 1882 has to do with the grievances of the people regarding the present forest arrangements, which I understand are the subject of the investigation that is now being made by the Forest Commission. The Divisional Forest Officer, North Thána, in his administration report for 1882-83, reported the system a failure, and it was, moreover, unanimously condemned by the Forest Conference Committee of October 1883, and abandoned in favour of the permit system. I, therefore, do not quite see what good can now be gained by re-opening this question.

Q. 5.—Will you explain the circumstances under which the cattle of the village of Chandansár referred to in statement of Thána witness No. 56 were impounded?

A.—The cattle which were impounded were found grazing in the portion of the Chandansár forest in which the felling had recently taken place. The villagers were duly warned, both by written notice and verbally, that this part of the forest was closed, and that they should take their cattle to graze in the other parts of the forest, which were opened to them. They, however, repeatedly disregarded these orders, and sent their cattle into the *coupe*, doing great damage to the young teak shoots, most of which were browsed down and destroyed. And, as the orders continued to be disregarded, it was found necessary to send the cattle to the pound. The total area of the Chandansár forest is 877 acres, and that of the *coupe* 40 acres, so that 837 acres of forest were open for the village cattle to graze in.

Q. 6.—Will you describe any special arrangements which may have been made for supplying *ain* bark to the Kolis (fishermen) for tanning nets?

A.—After the rains every year, *ain* trees are felled departmentally in the forests of Bassein, Máhim, and Dahánu to supply fishermen with bark for tanning their nets. The bark is stripped off the trees and carefully dried. It is then tied up into bundles weighing about a maund (28lbs.) each and taken to the bunders most frequented by Koli fishermen, which are Usgaon and Bhátáne in Bassein, Dahisar and Manor in Máhim, and Sávta and

---

[1] The details are as follows :—

Range.	*Acres.*	*Gunthás.*
Máhim ...	2,623	29
Dahánu ...	3,915	26
Umbargaon ...	256	1
Sálsette ...	3,949	1½

Sanján in Dahánu, and sold to them at Rs. 5 per candy. During the past season the following quantities of bark were sold:—

1 Bassein ...	...	... 52 Candies.
2 Máhim ...	...	... 127 „
3 Dahánu ...	...	... 70 „
	Total	... 249 „

This arrangement of supplying *ain* bark to Koli fishermen was first started by Mr. Campbell in January 1873, on a petition from the Koli fishermen, forwarded by the range forest officer at Máhim, stating that they were willing to pay for the bark as it lies in the jungle at Rs. 5 per candy. Mr. Campbell deputed Mr. Gibson, who was then his assistant, to fix a fair price, and Mr. Gibson, after consultation with the Kolis and their *vakil*, a Mr. Bhende, fixed the price of the bark at Rs. 5 per candy.

Q. 7.—Will you similarly describe the special measures which have been adopted, from time to time, for supplying the Bassein sugar-boilers with fuel for manufacture of *gul*?

A.—The first reference to sugar-boilers that I can find on the records of this office is in letter No. 148, dated 9th February 1854, to the address of the Collector of Thána, to be found in Appendix D to Dr. Gibson's Forest Administration Report for 1853-54. Therein he writes as follows:—"The fifth suggestion is that measures be taken for commuting into a money remission or otherwise the present exemption which the rayats of Bassein and the Agáshi *mahál* enjoy from fee on firewood imported seaward from Kolvan and elsewhere, also on sugar-mill blocks imported from outlying *tálukás* as these are made from *kusumb*, a valuable and scarce timber. The privilege which these Bassein sugar-makers enjoy is, as I have had occasion to see, grossly abused. Not only are quantities of building wood (thus obtained without the usual license) imported as *kita* or firewood, but the quantity passed appears to me, as well as to others, to be considerably beyond that which can be fairly consumed in the localities to which it is carried. In fact, the presumption is that much of it finds its way to Bombay free of duty." The next reference to sugar-boilers that I can find on my files is an order No. 59 of the 9th February 1866, from the Collector to the *mámlatdár*, (copy sent herewith, *vide* Exhibit No. 17). In this it is directed that for the future the rate to be paid by sugar-boilers is to be Re. 1 per candy, but that, until the close of the season, the rate may be 8 annas in consideration of certain circumstances which are mentioned. In the above order No. 59 reference is made to a previous order No. 100 of 1864-65, from which it would seem that, in accordance with former arrangements, the practice was to charge the sugar-boilers at the rate of Rs. 2-4 per 1,000 *ultis* for firewood used by them. The fee of Re. 1 per candy apparently was levied in lump on its being ascertained how much firewood each sugar-boiler required. What the arrangements were for bringing the wood from the forests I have not been able to find out, but I should imagine the procedure mentioned by Thána witness No. 58, of the *mámlatdár* issuing passes and indicating the forests from which the wood was to be procured, must have been followed. How long these arrangements lasted I am unable to say, but, from what the above-named witness says, I imagine that they were continued till the issue of Government Resolution No. 4395, dated 6th September 1871, in which it was ruled as follows:—"Bhandáris or sugar-boilers are to be prohibited from cutting wood in the forest reserves. They must make the best arrangements they can for obtaining fuel from the dead wood contractor or from other sources." The above ruling was apparently enforced for two years, and the sugar-boilers seem to have been left to their own resources till 1873 when special fellings were made and they were allowed to go into the forest after all the building timber had been removed and take the *kita* and *vistár* at certain fixed rates, which varied from Rs. 1-10 to Rs. 2 per cart. These arrangements lasted until the end of 1881-82, when on its being found that the sugar-boilers were grossly abusing this concession, and were removing timber from the forests under cover of taking firewood, a printed notice was issued to them, with the approval of the Collector, intimating that for the future they would have to make their own arrangement for supplying themselves with firewood. Consequently, during 1882-83 and 1883-84, they had to make their own arrangements for firewood. In December 1884, in consequence of a complaint of the sugar-boilers that the supply of dead wood in the forests was inadequate for their wants (*see* letter No. 1159, dated 2nd April 1884, from the Commissioner, N. D., to the address of the Conservator of Forests, a copy of which was also submitted to Government) special arrangements were made, in order to leave no further grounds for complaint on this score, to fell 10,000 candies of firewood for them. Accordingly 5,000 candies were felled at Karjon in Bassein and 5,000 candies at Kelthan in Váda. The material so felled was stacked in heaps, each containing the equivalent of the ordinary cart-load of wood. The stacks were numbered and labelled and then registered in two books, one for the use of the Sub-Assistant Conservator and the other for the Range Forest Officer. The Sub-Assistant Conservator was then stationed at Mándvi, the most central position, and by which all carts must pass to get to the fellings, and the range forest officers at each felling. The former issued the permits under his own signature, entering in each the name of the sugar-boiler and the numbers of the stacks allotted to him (the carts used by sugar-boilers being of the large description, two stacks were allotted for each); while the latter handed

over the stacks, making an entry of the contents of the permit in his register. After filling his cart, the sugar-boiler had to return to the Sub-Assistant Conservator's camp and deliver up his permit, receiving in place of it a pass under Section 41 of the Forest Act, which would cover his cart up to its destination in the Agar. The rate originally fixed for each cart was Rs. 3, but this was reduced to Rs. 2, on the sugar-boilers protesting that the rate was too high. The removal of the wood commenced on the 22nd January, but, by the end of February as it was found that the sugar-boilers did not care about removing any more wood, the arrangements were discontinued and the firewood remaining on hand sold by auction to traders. During the above period 1,000 stacks of firewood were removed, 396 from Kelthan in Váda, and 602 from Karjon. As stated above, each stack contained about as much wood as would go into an ordinary cart. As sugar-boilers' carts generally hold twice as much wood as ordinary carts, two stacks were allotted to each such cart. Notwithstanding this, the sugar-boilers complained about the stacks being too small, of the length of the logs (which varied from 5 to 10 feet) being too short, that the fees charged were too high and that the wood was of inferior description. They said they wanted three stacks and refused to take such wood as *palas, shenkhair, kákad, shembat,* &c., which was mixed up, in each stack with *khair,* teak, *ain, dhávda,* &c. Their object in doing this is not difficult to fathom, especially when one knows the description of wood they use for their furnaces (namely, *vad, karanj, pángára, tád,* &c.); they wanted the best pieces of wood and did not care about taking the crooked and gnarled pieces. Foreseeing this and knowing the propensity of these men for thieving timber under pretence of taking firewood and further being fully satisfied that two stacks contained more than sufficient wood for each cart, it was decided not to allow them to take wood from more than the two stacks allotted to them. In 1885-86 (last year) similar arrangements were again made to supply sugar-boilers with firewood, and about 10,000 candies were felled, 3,000 candies in Karjon, 2,000 in Táki (Bhátáne), and 5,000 in Káman, all villages in the Bassein *táluka.* The rate of fee per cart was reduced to Rs. 1-8 in deference to the opinions of the Revenue officers. The Sub-Assistant Conservator was again deputed to hand over the wood. From the very first he met with difficulties. The sugar-boilers would not take the heaps allotted to them; they changed the labels on the stacks, exchanged bad wood or rather wood of inferior description for good pieces, which they pilfered from other stacks. In fact, they caused so much confusion and behaved so outrageously, that on the 24th December I directed the Sub-Assistant Conservator to discontinue handing over any more wood and wrote to the *mámlatdár* and told him that, unless he could guarantee that the sugar-boilers would take over the wood properly, and could give some security for the good behaviour of these people, I would give them no more wood. The *mámlatdár* then arranged that the *pátils* should receive the wood for the sugar-boilers, and that they would be held responsible for any disturbance. After this things went on more smoothly, although some men, even after this, were caught pilfering good pieces of wood from other stacks and had to be turned out of the forests. The total quantity of firewood handed over from the above three fellings was 2,486 large carts and 110 small carts, representing roughly about 5,500 candies. The question as to whether these arrangements should be continued in the future is doubtful, and it is a matter for consideration whether it would not be better to leave the sugar-boilers to supply their wants from the annual sales of firewood as directed in Government Resolution No. 4395, dated 6th September 1871. The only advantage of making special arrangements, like the above, is that it keeps a large number of people out of the forests who would otherwise go there in search of dead wood, and consequently lessens the amount of damage that would be done to the trees and young vegetation by the manufacture of dead wood and the firing of the forests.

Q. 8.—Describe in brief the working of the rules framed under Section 41 of the Forest Act? Are the contractors who have purchased forest produce from *inámdárs* and *khots* having proprietary rights in the forests of their villages ever authorised by the Conservator to issue passes under Rule 13?

A.—Pass books are issued on application to *inámdárs* or their authorised agents from the Divisional Forest office. Before being issued, each pass is stamped, and an entry is made on the fly leaf of every pass book, giving particulars required by clauses 3, 4 and 5 of Rule IV. Contrators who have purchased forest produce from *inámdárs* are, on their producing satisfactory authority from the *inámdárs,* allowed to issue passes under Rule IV.

My opinion on the modifications suggested by Mr. Dádishet, General Witness No. 2, in the present system of issuing passes is as follows:—

Mr. Dadishet, in his answer to question 2, says it would be preferable to allow *inámdárs* to prepare their own pass books and to bring them to be stamped at the forest offices. To allow this would be to open a way to fraud. Wood coming from *inám* lands could not be properly controlled, and there would be greater facilities for issuing false passes than if the pass books were issued by the Divisional Forest Officer. The rule for demanding the return of unused passes and pass books could not be enforced. By Rule XIII. it is clearly intended, moreover, that the pass books should be purchased from the Forest Department. Mr. Dádishet complains of the price charged for pass books, but I would point out that what we now charge, namely, 8 annas per book of 100 pages, is just a little over the actual cost of preparing the book. I am also inclined to doubt the price said to have been paid by Mr. Dádishet's contractor for books similar to what we get from the

Superintendent of the Government Central Press. With reference to the period within which pass books are to be returned, I do not think any hard and fast rule can be laid down, but that it should, as now, be left to the discretion of the Divisional Forest Officer to limit and fix the time. In the Sálsette *táluka* there would be no objection to issuing pass books for the season, but in other *tálukás* where the *inám* forests are usually surrounded by Government forests some limit must be fixed in order to check fraud. The fees referred to in Rule XVI. are only intended, I think, to be levied from persons voluntarily availing themselves of the convenience and protection afforded by the depôts. The rule of demanding a separate pass for each bullock-load cannot in my opinion be relaxed. Great inconvenience and delay would ensue in the event of bullocks being disabled or lagging behind, and also in cases of suspicion where the forest produce in transit has to be examined by forest officers under Rule XIV. All forest depôts are kept open at night, and depôt officers for this purpose receive contingent money to provide themselves with lights. Mr. Dádishet, in reply to question 7, says he would have depôts placed so that no timber could be removed except by passing them. This is exactly how our depôts are placed. In the instance mentioned by Mr. Dádishet I do not think there would be any objection to his issuing passes for material given to his tenants.

Q. 9.—Since the abolition of the agricultural depôts, the plan of having small fellings in convenient localities and petty auctions of the material felled to supply the place of the depôts has been tried. Can you say how far this system has succeeded?

A.—In North Thána we had large departmental fellings, and sold the material by retail auction. There were two fellings in Bassein, about 8 in Máhim, 3 in Dahánu, 1 in Sálsette, and 4 in Umbargáv on this system. The material was stacked in small heaps, and put up lot by lot. This was intended to supply both the trade and the local inhabitants, and especially the coast population. No distinction was made between traders and local residents as regards terms. The auctions were open to all alike. A great deal of the wood was bought by petty dealers, who formerly, when this material was sold in large lots, were unable to bid. Some agriculturists bought at these sales. In all about 1,000 individuals purchased wood at the auction. The wild tribes in consideration of work done, such as burning fire path, collecting and planting seeds, were allowed to remove inferior wood for their houses from the forests. They were paid full wages for any regular work. The grant of wood was a sort of return for their making themselves generally useful. I do not know what system was followed in the Southern Thána division.

Q. 10.—Is the statement of Thána witness 54, "that no purchaser was allowed to buy at the agricultural depôts unless he took exactly Rs. 10 worth of wood and that proportionately" from each kind, correct?

A.—No. The printed rules which were posted up on a board at each *náka* will show that this was not the case. There was no minimum limit fixed, a man could buy a single article, such as a ploughshare, but people were not allowed to buy up all big timber up to Rs. 10. The people who wanted a lot of first class material were not those whom the depôts were intended to supply.

Q. 11.—Thána witness No. 58 states, with reference to the supply of firewood for sugar-boiling this year, that only two stacks were allowed to be taken, although a cart would hold three stacks. Is this correct? What measures were taken to estimate the quantity put in each stack?

A.—This year at Karjon the stacks were found to be smaller than was intended. Two heaps were intended to fill one large cart. So five stacks were allowed for two carts. In Kámán two stacks were found sufficient to fill one cart, and a good deal of knotty and gnarled material out of these stacks was left in the jungle. About half a dozen stacks were weighed at Kámán and found to be about 900 lbs. on the average. It is true that sometimes pieces of *khair* and other timber which had got into the firewood stacks by mistake were taken out, but other wood was always put in their place.

Q. 12.—What fees are levied on head-loads of firewood brought into Thána for sale?

A.—Nine pies for a man's, six for a woman's, and three for a child's load. From about 1874 up to 1882 similar fees were levied on head-loads at the entries to large towns, at railway stations and bunders, in fact, at all *nákás*. The right of collecting these fees at Kalyán was farmed when I was Divisional Forest Officer, South Thána. The levy of fees was discontinued when the contract system for firewood supply was introduced in 1882. This contract system was abandoned in favour of the permit system in October 1883. Since then, the head-load privilege granted to wild tribes elsewhere than in Sálsette has prevented the fees being again imposed. (For further information on the snbject see Exhibit No. 18.)

Written Replies forwarded by Mr. Wilkins, Divisional Forest Officer, North Thána, to questions put to him at the suggestion of the Secretary, Thána Forest Association.

Q. 1.—Mr. Atkins in his evidence has told the Commission that "huge and dense jungles consisting merely of *málki* numbers, are to be found in very many parts of Kolvan, but hardly in any other part of the district" with which he is acquainted. Do you think this description about the Kolvan *málki* numbers applies almost equally to the Dahánu *málki*

numbers, which from the Survey Settlement point of view stand on the same level? If not, why not?

A.—In many villages of the Umbargaon *peta* and the Dahánu *táluka* there are extensive *málki* number forests similar to those described by Mr. Atkins.

Q. 2.—Do you think that the concessions made in the Resolutions you refer to in reply to question 1 of the circular questions are sufficient to satisfy the legitimate wants of the people of even forest villages?

A.—They are in my opinion more than sufficient; the people might well do without the lopping of shrubs for *ráb* as their neighbours, in the villages in the plains where the supply of this material has been exhausted, do without it and use instead grass, leaves and other refuse matter.

Q. 3.—Is the quantity of dead wood available in any given area of forest lands in any one year sufficient to meet all the reasonable requirements of the people of forest villages in respect of firewood? If so, will you, please, mention the names of such forest villages, giving the area of Reserved and Protected forests and population for each?

A.—In the larger and more remote forests the quantity of dead wood is more than sufficient for the wants of forest villagers in respect of firewood. In forests in the vicinity of large towns, Railway stations and bunders, from which firewood is constantly removed both by resident villagers and outsiders the quantity of naturally formed dead wood might possibly be found to be insufficient for the wants of forest villagers.

Q. 4.—Are the several kinds of shrubs mentioned in Government Resolutions you refer to as being allowed to be cut for *ráb* found in the forest lands of your charge in such large quantity that the *ráb* requirements of the people of forest villages can be reasonably satisfied?

A.—Yes I think so, except of course in those forests where the undergrowth of shrubs has been exterminated by indiscriminate and excessive cutting.

Q. 5.—Can you give in detail the objections entertained by your Department to lopping teak, *ain, bonda, nána, asána,* &c., wherever situated, for *ráb* purposes?

A.—Lopping teak has the effect of making it unsound and hollow. The stump of the branch that is lopped invariably dies and rots away in the tree leaving a small hole which gradually eats its way into the body of the tree and makes it hollow. All the old teak trees that I have seen which used formerly to be lopped are riddled with holes in this way. *Ain, bonda, nána, asána, dhávda,* &c., suffer in a similar way; the amputated branches dying into the tree and carrying with them the germs of the disease which gradually eats away the body of the tree and creates hollows, unlike teak the scars on these trees where the branches have died off get covered over by a fresh growth of bark and present to the eye a knotty and mis-shapen appearance.

Q. 6.—Is it a fact that during Dr. Gibsons' administration, when even the teak was freely allowed to be lopped or pruned for *ráb* purposes, it was never complained that any untoward consequences ensued, nay, but that on the contrary the practice was officially declared to be beneficial all round?

A.—It is not a fact that during Dr. Gibson's administration it was never complained that any untoward consequences ensued from the lopping of teak and other trees. Dr. Gibson himself in his Administration Report for 1850-51 writes as follows:—

"Paragraph 220. In visiting the Máhim *táluka*, I went to the interior by the northern shoulder of the Kaldurg fort and on passing the western side of the high range of which it forms one, I could but notice the nearly bared state of the western side of all these hills, so that in so far our jungle timber duty plan is somewhat too late. The destruction within the last 20 years has been great. However in a moist climate like that below the Ghâts nature repairs these injuries in the course of years, and on the eastern side of these hills there is yet a good supply of timber."

"Paragraph 221. It may be a point for consideration whether a rule might not be enforced forbidding cutting for a term of years, on the sides of those hills next the sea, thus giving the vegetation of wood and bamboos a rest and applying the timber on their eastern slopes to the wants of the community."

"Paragraph 222. Among the whole of the tree vegetation there, young teak timber forms one of the most prominent objects; indeed on the western side it will be in a very few years the only one left. In the gorges and more sheltered places the trees have attained a tolerable height, in the more exposed they do and will remain stunted."

"Paragraph 223. From the steeper parts of the whole of the eastern side we furnished the supply of naval crooks of the present season. These were pronounced by the naval authorities to be inferior to the ones supplied last year, and on this account I charged them only in class No. 4 though perhaps a good many might have a higher classification."

"Paragraph 224. Crooks of this size are sufficiently abundant on those hills, *but most of the older and larger ones have rottenness or other serious defects*, making good the statement made in one of my former reports that much difficulty would be found in procuring 2,000 first class crooked timber in Kolvan. *The reckless mode of lopping for field purposes has produced these results*, and hence may be understood one of the reasons why I feel so averse to introduce the jungle share system into Kolvan."

Dr. Stocks in the Administration Report for 1851-52, paragraph 5, also draws attention to the destructive effects of lopping on the growth of trees. He writes:—

"Along the line of country (Ratnágiri) which I visited although *the undulating plateau of the interior and the hill sides towards the Ghâts are bare of any timber (not to mention teak) partly from natural causes and partly from the dense population and the extent to which lopping, felling and burning the jungle is carried to*

provide manure and ashes for the crops, yet there are rivers running into the salt water creeks from whose steep banks rise steep and bold hills on which the chief teak of the *zilla* is seen either left untouched or *lopped and cut down to the stump in the most thriftless and destructive manner* * *.*"

Q. 7.—Will you, produce the correspondence which resulted in the discontinuance of that practice ?

A.—I am unable to produce the correspondence referred to in this question.

Q. 8.—Are you aware of any instances tending to show that the people of forest villages object to their forests being used by inhabitants of other villages and evince any jealousy of the latter in consequence ? If so, will you, please, mention those instances giving such details as you can ?

A.—I can only recall two instances, the first happened in the village of Mil in the Khálápur *peta* when the people of the *inám* village of Mandád encroached on the forests of the former village and cut down some trees. Considerable jealousy was evinced in this instance by the villagers of Mil, who promptly brought the matter to notice. The second happened in the village of Tusi in Váda. On this occasion a Márvádi, I think, brought a number of Vanjára bullocks which had been mortgaged to him and let them graze in the forests ; the villagers resented this and complained by petition that the action of the Márvádi had curtailed and to a great extent had deprived them of their grazing grounds. Villagers make verbal complaints at times that they do not find sufficient dead wood for firewood in certain of the forests which are constantly resorted to by outsiders and wild tribes for firewood but they are too apathetic as a rule to press the matter by petitioning.

Q. 9.—In reply to questions 28-30 of the circular questions you say :—"I think it is not at all improbable that considerable occult influence was brought to bear by well-to-do, though intriguing, persons on their poorer brethren, the cultivators, to deter them from purchasing from the depôts and to instigate them to defy the orders of Government. It is also not improbable that with the encouragement they received from the same quarter, unlawful and dishonest means were resorted to for obtaining wood, &c." Will you, please, state the grounds on the strength of which you have come to such a conclusion ?

A.—The conclusion arrived at was from general observations and communion with the people.

Q. 10.—Do you think that *bonâ fide rán* privileges are absolutely incompatible with a working plan providing for a maximum yearly outturn of firewood from any given area of forest ? If so, will you, please, state the grounds of your belief.

A.—For the reasons given in my answer to question 5, I do think *rán* privileges incompatible with a working plan providing for a maximum yearly outturn of firewood. Lopping has in my opinion the effect not only of rendering the production of timber impossible but also of reducing the volume of wood in a forest.

Q. 11.—Can you give the Commission an estimate of the maximum yearly outturn of firewood from an area of, say, 10,000 acres of forest land in which all *rán* and other privileges have been extinguished, and from an equal area similarly circumstanced but subject to the exercise of the same rights which the occupants of Dahánu proper have had guaranteed to them under the Survey Settlement ? If so, please give that estimate with the data on which you base it.

A.—No, I cannot without a valuation survey of the two areas of 10,000 acres each which are mentioned. But I should say that the annual yield of firewood would be 50 per cent. less from a forest in which the trees have been lopped and hacked about than from a forest in which the trees are sound.

Q. 12.—Has the arrangement made by Messrs. Campbell and Gibson with Koli fishermen of the coast villages with their full knowledge and consent proved a complete success ever since its introduction nearly fifteen years since ? If so, will you, please, state whether your Department repeated this experiment of consulting the persons concerned before any innovation in respect of the forest administration of the district was actually introduced, with a view to secure its smooth and harmonious working ? If so, with what results ? And if not, why not ?

A.—I am not quite sure that it has ; the people grumble at not being allowed free access to the forests to cut and strip off the bark for themselves according to their former destructive habits. I am not aware of this Department having consulted the people before introducing any reforms in respect of the Forest Administration of this district. The reason for not doing so is doubtless due to the fact that Government are quite satisfied that their officers in the Revenue and Forest Departments fully consider the interests of the people and of the State before introducing any innovations.

Q. 13.—There are several articles of forest produce in Government forests which have been strictly reserved to Government, such as leaves of *tembhurni* and *ápta* trees. Now when this right of collecting *tembhurni* and *apta* leaves is sold to a contractor in the case of an unsettled *táluka* like Máhim or Dahánu, what does the Department understand by the term "Government forests" in respect of which only such right is sold, and what does the contractor understand by it ? Do they understand by that term the old imperial reserves or all lands notified under the Forest Gazette of 1879 as reserved and protected forests ?

A.—Lands notified as both Reserved and Protected forests under section 34 of the Indian Forest Act. The contractor understands the words Government forests as bearing the same interpretation.

Q. 14.—Is it a fact that among the conditions of the *tembhurni* and *apta* leaves contracts is invariably a condition binding the contractor to submit to the Forest Officer for approval and sanction a list of persons whom he wishes to employ for cutting and collecting the said leaves? If so, will you produce a copy so approved of by you for the Bassein *táluka*? Are you prepared to state that this condition is invariably acted up to, and further that the contractor never employs any other persons?

A.—No. The clause runs:—

"The contractor shall submit from time to time to the Divisional Forest Officer the name, age, address of any person whom the contractor proposes to employ in working the contract and shall forthwith supply such person or persons with a certificate of appointment which shall be countersigned by such officials as the Divisional Forest Officer may appoint on this behalf."

I am prepared to state that the above condition is invariably acted up to. I am not prepared to state that the contractor never employs any persons other than those duly authorised, but if he does, he runs the risk of being dealt with under the penal clauses of the contract.

Q. 15.—It has been stated that the survey officers having had no time to demarcate imperial and village forests left large wooded numbers with an entry "*rán rakshan gurcharan*, &c.," intending that such numbers should be dealt with on the occasion of subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place, firstly so far as all such numbers in a *táluka*, and secondly in a village, are concerned? If not, will you please, state your reasons for holding such a view?

A.—I do not. Demarcations made previous to the passing of the Forest Act of 1878, by Survey and other special officers were merely provisional in the same way as arrangements for the collection of land revenue were provisional until a permanent settlement was effected.

Q. 16.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forest should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—I do not quite understand what general obligations are referred to; but I certainly am of opinion that Government are perfectly justified in forming into permanent State reserves the very extensive and valuable forests to which the term 'village forests' has been applied by the Survey Department.

Q. 17.—What object were these village forests intended to serve. Were they not meant, as the very name implies, to be assigned for the exclusive benefit of the village communities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—I cannot say what object the Survey Department intended the lands which they called "village forests" to serve. But I feel sure it could never have been intended that they were to be for the exclusive use of village communities nor do I think it was ever intended that villagers should resort to them at will for the supply of their agricultural and domestic wants. The forests termed 'village forests' lie as a rule on the lower slopes of the hills and contain the best and principal supply of timber. Were these forests intended exclusively for village communities considerable difficulty would be experienced in supplying wood to the local and outside markets of Poona, Násik, Bombay, Bhávnagar, &c., to say nothing of the very large revenue the State would lose.

Q. 18.—Mr. Winchester says in answer to question 12 of the circular question:—

"I know nothing about Thána but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued, and no particular regulations seem necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it."

Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department.

A.—I do. It would let a larger number of people and cattle into the forests which in itself would be detrimental to the forests as it would increase the defficulties of protection and would expose the forests to greater risks from fires, grazing, thefts, &c., &c.

Q. 19.—With reference to question 27 do you think that the dead wood, which only under the present permit system is allowed to be taken is sufficient for the supply of firewood required for local consumption? If not, what arrangement do you contemplate for supplying the deficiency, as no mention of it is made in your said reply, or do you contemplate the extension of the permit system to cutting even live wood for local supply?

A.—I do not think that as a rule the supply of dead wood for firewood which accumulates annually from natural causes in those forests which are now frequented by the people is sufficient for their wants. Although I have no doubt that if the more remote and less accessible forests were included the supply would be found to be more than sufficient. I most certainly do not contemplate the extension of the permit system to the cutting of live wood in the forests. On the contrary, I am of opinion that as soon as the working plans are framed and the forests are divided off into blocks and compartments and fellings are started in each block, the permit system should be abolished. In fact I think it will die out of its own accord for the numerous fellings that will be in progress then will place a very large quantity of firewood in the market, the result of which naturally will be to reduce the price of this commodity and the people will prefer to purchase firewood at market rates direct from the dealers than to take out permits at fixed rates and to go to the trouble and expense of collecting it for themselves? Until however the working plans are framed and the forests are being worked according to them the permit system will, I think, have to remain in force. It is the best and easiest way of distributing firewood to the people. To make up for the deficiency of dead wood for local consumption in the forests referred to above I would suggest special cuttings, the firewood to be distributed on the permit system. In fact rather than let the people enter the forests at all in search of dead wood I would have special cuttings in convenient localities entirely to meet their requirements. They do immense harm to the forests every year by burning them, manufacturing dead wood, wantonly hacking down seedlings, branches, &c. Last season in order to reduce the necessity for people going into the forests for firewood I allowed them to collect the *kita* (stumps) and *vistár* (crown branches) remaining in the fellings after the timber had been removed under the permit system at the ordinary rates per cart. In this way 6,024 carts of firewood were removed by them for which otherwise they would have had to go into the forests.

Q. 20.—With reference to your reply to question 3 do you think that the principles you mention therein as having regulated the formation of village forests in France and Germany were those which dictated the provisions of the chapter on village forests in the Forest Act of 1878? If so, will you, please, state the grounds on which you have come to the conclusion?

A.—The Indian Forest Act of 1878 was, I believe, framed to some extent on the lines of similar enactments in France and Germany. It is, therefore, I think not improbable that the principles mentioned by me in my reply to question 3 were those which dictated the provisions of the chapter on village forests.

Witness No. 5.

Written Replies forwarded by Mr. S. Hornidge, Divisional Forest Officer, South Thána, to questions put to him by the Forest Commission.

Q. 1.—Within what forest areas in South Thána the right of grazing or removing grass has been sold by auction during the past year?

A.—Grazing or removing grass was sold by auction last year as follows:—

Name of Range.	*Area.* A.	g.
Karjat	11,984	36¾
Khálápur	10,859	9¼
Murbád	23,642	12¼
Kalyán	12,849	32
Sháhápur	12,179	22
Kinavli	15,443	28
Mokháda	1,533	33
Bhivandi	14,026	23¾
Total ...	102,519	37

Q. 2.—What, if any, restrictions have been placed on grazing in lands set apart at the Survey for free grazing?

A.—*Kalyán.*—Cattle to be grazed free, all trees being protected?

Bhivandi.—(*a*) Cattle to be grazed free, protecting all trees; (*b*) cattle to be grazed free, protecting teak only; (*c*) cattle to be grazed free without restrictions of any kind.

Karjat.—Cattle to be grazed free without restrictions of any kind.

Murbád.—Cattle to be grazed free, protecting teak only.

Kinavli.—Cattle to be grazed free, all trees being protected.

Khálápur.—Cattle to be grazed free, without restrictions of any kind.

Mokháda.—No lands have been set apart for free grazing at the Survey.

Sháhápur.—Cattle to be grazed free, protecting all trees.

Q. 3.—Has the grazing been sold in the closed areas of Reserved and Protected forests ?

A.—No areas have been closed in either Reserved or Protected forests.

Q. 4.—Have cattle been prevented from grazing in area where fellings have recently taken place ?

A.—Orders were issued that cattle were not to be allowed into the felled portions of *gurcharans* for a year, during which time an equal grazing area was to be provided in forest lands.

Q. 5.—Please give a statement of material sold at agricultural depôts in South Thána up to the date of their abolition.

A.—Statements for 1883-84, 1884-85 and 1885-86 are attached showing the amount of material stacked and the quantity sold at the agricultural depôts (*vide* Exhibit No. 14).

Q. 6.—Please give a brief account of the *ráb* compartment fellings carried out in Kalyán *táluka* as ordered in Government Resolution No. 3890 of 14th May 1885, especially showing the *quantity* of *ráb* material made available from each felling. If the experiment has been repeated this year, please state the results.

A.—Fellings were made in 1884-85 in one compartment of each of 8 villages in the Kalyán Range. Copies of vernacular report No. 350, dated 11th instant (August 1886), and No. 367, dated *nil*, are attached from the Range Forest Officer, Kalyán, from which it will be found that through a combination amongst the rayats they refused to avail themselves of the *ráb* materials placed within their reach.

Witness No. 6.

17th August 1886.

Mr. W.W. Loch, Collector of Khándesh, stated in reply to questions put to him at the suggestion of

The Secretary, Thána Forest Association,

Q. 1.—If the Kolvan and Dahánu rules have, as you say in reply to question 2 of the circular questions, under the exclusive supervision of the Revenue authorities, worked fairly well and have resulted in preventing the denudation of *málki* numbers, what are your grounds for supposing that the same agency will not in future secure the same beneficial results if waste lands were constituted village forests to be managed by the village communities themselves through their *panchávats* or otherwise and under the general supervision of the Revenue authorities ?

A.—The Kolvan and Dahánu rules are worked entirely by the Revenue authorities, without whose permission no wood for building purposes can be cut. No village *panchávat* has anything to do with the working of the rules. This active control is not what I should call general supervision. If the framer of this question means by the phrase general supervision what I call active control, then my answer to the question is that forests made over for the use of villagers might be managed successfully through village *panchávats*. The main objection I would have to the system is the one I have already stated in my answer to the second of the circulated questions, *viz.*, that the Revenue Department has at present plenty of work to do. I know that the Kolvan and Dahánu rules have entailed a great deal of work on the *mámlatdárs* of the *tálukás* concerned and their establishments, and I should hesitate to add fresh responsibilities and duties to those already borne by them or by the *mámlatdárs* of other *tálukás*. If the framer of this question means by the term general supervision that the working of the system referred to by him should be really left to the village *panchávats*, my answer is that you cannot argue from the success of the Kolvan system that a totally dissimilar system will be successful. I have already said in my answer to the third of the circulated questions that I do not think the village system a sufficiently strong in Thána to work village forests. There are hardly any hereditary village servants except a *pátil* and a Mhár; the villages are very scattered and the authority of the *pátil* is not great. My remarks apply more especially to the coast *tálukás*, as my acquaintance with the other *tálukás* is slight.

Q. 2.—In your reply to question 13 of the circular questions you say that the distinction between the forest and non-forest villages is "not a new one," and that, if it were withdrawn, "the forests and the inhabitants of forest villages would undoubtedly suffer." Will you, please, state how old this distinction has been and also on what principle it was based ? Did the forest villagers ever suffer any inconvenience before this distinction was introduced ? If so, will you, please, cite any instances in support of your assertion ?

A.—In my answer to No. 13 of the circulated questions I was referring to the report of the Forest Committee of 1863 and the measures taken on it. When I said that the distinction between forest and non-forest villages was not a new one, I meant more especially

that it was not one of the changes introduced since the passing of the Forest Act. I have not the proceedings of the Committee and the subsequent correspondence with me and therefore I am unable to say from memory on what principles the distinction between forest and non-forest villages was based. They can, I presume, be learnt from the papers.

My acquaintance with the Thána District is not of sufficiently long standing to enable me to say of my own knowledge whether the forest villagers suffered any inconvenience before the distinction was made, *i.e.*, about the year 1863, but I have never heard that they did suffer any inconvenience.

Q. 3.—In reply to question 11 of the circular questions you say that "where there has been a custom for the cultivators of such villages to get their supplies from the forests of an adjoining village, I think the custom should be recognized." How do you reconcile this statement with your other statement mentioned in the foregoing question?

A.—I am afraid my answer to qustion 11 of the circulated questions was not worded with sufficient care. The answer should have been as follows:—"Many non-forest villagers require no special arrangements for grass and brushwood for *rab*. Where there has been a custom for the cultivators to get their supplies (*i.e.*, of grass and brushwood) from the forests of an adjoining village, the existence of such a custom ought to be recognized and special arrangements should be devised for meeting their requirements." I did not mean that the custom was necessarily to be allowed to continue on its present footing. You may recognize the existence of a custom, and make that the ground for special arrangements though you do not think it desirable to confirm the custom. I am of opinion that the custom above alluded should not be ignored, and that if we interfere with it, we are, bound to be very liberal to the people whose custom is interfered with.

Q. 4.—Are you not aware that almost all non-forest villages in the Thána District claim, as can be easily seen from the evidence recorded before the Commission, the advantages of this custom in their case, and what is more to the point, with the full consent of the people of the forest villages concerned?

A.—I think I have already stated in my answer to the 12th of the circulated questions all that I personally know of the claims of non-forest villages to privileges in adjoining forests and I have said above that I have little personal acquaintance with the inland *tálukás*. I have however no doubt that the same claims are made there, possibly to an even greater extent than in the coast *tálukás*. I believe that the people of the forest villages have always freely admitted the claims of the non-forest villagers.

Q. 5.—It has been stated that the Survey officers having had no time to demarcate Imperial and village forests left large wooded numbers with an entry "*rán rakshan gurcharan*, &c.," intending that such numbers should be dealt with on the occasion of subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place, firstly, so far as all such numbers in a *táluka*, and secondly, in a village, are concerned? If not, will you please, state your reasons for holding such a view?

Q. 6.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—I am not aware that Government by ordering the demarcation of village forests incurred any obligations. They merely adopted the plan on the advice of a Committee as a means of supplying the people with wood for certain purposes. No undertaking was given to the villagers that the system of village forest was to continue in force for ever or for any specified time. Any lands which were left out at the first demarcation might similarly be included in State forests under the Forest Act subject to the same proviso that steps are taken to meet the legitimate wants of the villagers.

Q. 7.—What object were these village forests intended to serve? Were they not meant, as the very name implies, to be assigned for the exclusive benefit of the village communities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—The object of Government in setting apart lands for village forests was that they should be used for the benefit of the village communities. I am not prepared to say that Government ever gave any pledge that it would make no profit out of these forests, in fact the teak in these forests has always been Government property. I therefore object to the use of the phrase "exclusive benefit."

Further, without seeing the papers connected with the matter I cannot say whether Government meant the village forests to be used by non-forest villagers or not.

Q. 8.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued, and no particular regulations seem necessary, for a group of villages with forest in one

village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one,*" do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department?

A.—Of course I assume that all parties concerned in the arrangement under which the non-forest villagers use the adjacent forests, acquiesce in this arrangement as the only natural and possible one, I should have to admit the conclusion that except for a loss of revenue to Government there was no objection whatever to its continuation. But I probably mean something different by the phrase "all parties concerned" from what Mr. Winchester and the framer of this question mean. I include Government among the parties concerned, and unless Government also acquiesces in the arrangement as the only natural and possible one, I cannot admit that the arrangement must necessarily be continued.

By the Commission,

Q. 1—You assume in your answer to general question[1] No. III. that under the plan proposed in question 1 (general) a man would not be able to buy wood from his neighbour as is the case now under the strict working of the Kolvan-Dahánu rules. Assuming, however, that sale of trees in occupied lands *within the limits of the district* were not restricted, the only prohibition being to sell for export beyond the district, would your answer to question 3 (general) be in any way different?

A.—Yes. There would then, as regards residents, be much less necessity for arrangements for the sale of wood on specially favourable terms.

Q. 2—You assume also in your answer to general question[1] No. I. that the first proposal would be tantamount to introducing the present Dahánu-Kolvan rules, by which *all sale* is prevented to all occupied lands. The proposal however does not exclude sale with permission, in case an occupant may have a surplus over and above his own and his tenants' domestic and agricultural requirements which may be exported. Bearing this in mind, do you consider any modification in your answer to question 1 (general) necessary?

A.—Yes. I should then say that my objection to the second scheme of the levy of a prohibitive duty would be in great part removed and I should not have in that case the same preference for the first scheme, as the objection to the second scheme on the ground of the inquiries which would be curtailed by it, would be equally applicable to the first scheme. On the whole I should then prefer the second as being less likely to provoke opposition. At the same time I hold to the opinion that the first scheme would be a more thorough remedy.

Witness No. 7.

20th August 1886.

Mr. T. D. Mackenzie, Acting Secretary to Government in the Revenue, Financial and General Departments, stated in reply to questions put to him at the suggestion of

The Secretary, Thána Forest Association,

Q. 1—Can you say why the old village forest of the *ante*-Forest Act period failed? Do you consider that that system received a fair trial?

A.—I do not know that there was any old village forest "*system*" in the "*ante*-Forest Act period," and cannot say therefore why "the old village forests failed," or whether or no there was any 'system' to have a trial fair or unfair. My impression of the 'system' before the Forest Act was passed, was that except as regards what were vaguely known as Imperial forests, all the forest lands were pretty generally utilised by all villages in their neighbourhood for their own purposes without much regard as to whose property they were, and that it was in consequence of this practice that Government considered it necessary to apply the provisions of the Forest Act. As however I did not personally serve in Thána in the "period" referred to by the Association, I can only state my impression derived from the perusal of the reports of various officers.

Q. 2.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—I do not think it inconsistent, considering the vagueness of 'Imperial' and 'Village Forests,' and it certainly was legal under Section 3 of the Forest Act.

---

[1] The replies to general questions have been summarized and printed below (*vide* Summary, No. 14).

Q. 3.—What object were these village forests intended to serve? Were they not meant as the very name implies, to be assigned for the exclusive benefit of the village communities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—It is impossible for me to say what were all the objects of the 'Village Reserves.' They were undoubtedly for the benefit of the villages to which they were assigned, but I do not think it could have been intended either by the Survey or by Government, that the villagers were to have the right to destroy them as forests, and to remove from them all the chief characteristics of forests.

Q. 4.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued, and no particular regulations seem necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department?

A.—"Assuming that such an arrangement is acquiesced in by all concerned" (including Government of course), as the only natural and possible one there is no objection to it, but the assumption is rather a wide one.

Q. 5.—In reply to question 1 of the circular questions you refer to a system of rotation pursued by the Thána rayat in lopping trees for *ráb*. Will you, please, describe that system more fully if you can, and say if it is generally followed in all parts of the district or confined to particular parts, and also if the *ain* and other trees subjected to this operation have deteriorated into nothing better than shrubs, or whether among such trees can be frequently found big trees, even as high as 50 or 60 feet? In short, are you clearly of opinion that the intelligence of the Thána rayat can be safely trusted to lopping the customary trees for *ráb* in his customary grounds without real injury to rational forest conservancy?

A.—I am unable to describe the system of *ráb* rotation in certain parts of the Thána District more fully than I have already done in reply to circular question 1. I wrote then as I do now from memory. I saw the practice in force in the north of the Bhivandi *táluka* and many of the *ain* trees were certainly 40 to 50 feet high. But they had no branches to speak of. I was assured by the villagers whom I questioned that they purposely allowed these trees a rest, and took them in rotation for *ráb*. They were not 'shrubs' in any sense of the word, but neither were they tall shade-giving trees as they would have been if they had not been interfered with. I do not know that the Thána rayat *generally* could be "safely trusted to lop the customary trees for *ráb* in his customary grounds without real injury to rational forest conservancy."—The experience of district officers is that if the rayat gets into *Government* forests, he will take all he can get. In his own land he is learning not to be so foolish as utterly to destroy his own trees, and in individual cases, or even in villages in parts the rayat will not consume utterly his source of *ráb* supply.

Q. 6.—Had you when Collector of Thána ever received a complaint, oral or written, from any of the Kolvan rayats stating that their right recognized and guaranteed to them at the Survey Settlement to cut any trees, except teak, blackwood and *tivas*, in all lands except the Imperial forests, for domestic and agricultural consumption was interfered with by the Forest Department, and, if so, will you, please, state what view you then took and take now of their said grievance?

A.—I did receive a petition of the nature described when I was Collector of Thána. The view I took of the petitioners' claims is contained in the report I made on the petition to Government. I have seen no reason since then to alter the views therein expressed. I am not at liberty to produce my report which is a privileged communication. If the Commission wish it produced it is open for them to apply to Government for a copy (printed in Volume IV.) of it.

Witness No. 8.

25th August 1886.

Mr. A. T. Shuttleworth, Conservator of Forests, Northern Circle, stated in reply to the question

By the Commission,

Q. 1.—Will you, please, give your opinion on the modifications suggested by the general Witness No. 2, Cursetji Hormusji Dádishet, proprietor of Eksar, in the present system of issuing passes.

A.—First. I do not think that it would be advisable to allow *inámdárs* to prepare their own pass books.

(*a*). It would be contrary to rule 13 of the published rules under Section 41 of the Forest Act to do so.

(*b*). It might lead to irregularities, for unstamped passes might be issued to save the trouble of sending books to the Divisional Forest Officer to be stamped or if by oversight it was forgotten to send books in proper time before the supply of stamped passes in hand becomes exhausted.

(*c*). Then the cost of postage on books sent by the *inámdár* to the Divisional Forest Officer to be stamped would in all probability absorb any saving in the price of books which might be effected by the *inámdár* if he were permitted to get the books printed and made up privately. At present a very small additional charge is made upon the actual cost price of the books to cover the expenditure upon postage, upon establishments, and the other expenses incidental to the pass system.

(*d*). The difficulty of working the pass system would probably be added to if private parties were to be allowed to self-provide their books, for the printing matter might not be uniform, the paper might be different; these points are of consideration when it is remembered that timber, &c., on transit may be stopped and examined at any place by any Forest or Police officer, and these officers may not be able to read or write.

(*e*). Greater delay than can now occur in the receipt of stamped pass books by *inámdárs* would probably result, for bookpost communication is not so quick as letter-post, and when the Divisional Forest Officer is travelling about rapidly in the districts, a parcel of pass books to be stamped might take days to reach him.

(*f*). There would be difficulty in calling in unused passes and in determining the price to be paid to the *inámdár* for them.

On the whole, I am of opinion that the existing plan of providing printed pass books is more calculated to serve the interests of *inámdárs* and others, and to protect public interests, than the modification would be.

Second—As regards the limit within which the pass book is made available, I would not advocate any hard and fast rule, but would leave it to the discretion of the Divisional Forest Officer, who should endeavour to serve the convenience of the *inámdár* as far as other considerations affecting the point would permit him to do so.

Third—I consider a separate pass with each load to be very necessary. In some cases of transit the destination of the load is a considerable distance from the point of departure, for instance, from the Dángs to Billimora or Bulsár would be over 40 miles. Bullocks straggle, the drivers straggle. If one pass were to cover many loads, drivers of timber-laden bullocks might be met on their journey without a pass, the excuse being that the man with the pass was on ahead, or had remained behind. Timber in small lengths is often carried by bullocks, and in the Sátpudás timber is dragged by bullocks, two or three pieces being attached to each animal with one end trailing on the ground; it would be difficult, if possible, in cases where one pass covered 50 loads to compare the cargo with the invoice or pass, especially where bullocks had straggled, and where bullocks had got mixed up.

The correct number of bullocks entered in each pass might eventually arrive at the destination given in the pass, but it would be difficult to keep an accurate check, several passes would be outstanding for days, bullocks would come in ahead with no pass and would give rise to difficulties, and further the drivers would, if the excuse of straggling is accepted, be given opportunities of plundering forests by the way, for they might dispose of, at some village on the road, the cargo they had started with, and might load another cargo of stolen timber in a forest through which they may have to pass. In the case of firewood conveyed *short distances*, one pass for the number of bullocks in charge of a single driver might, possibly, be permitted, but the plan would be objectionable when the journey is a long one.

Fourth—The publication of routes under Section 41 by which alone timber, &c., may be conveyed—as an appendix to the rules themselves, is, I consider, open to objection—for it is impossible to publish the name of every bunder, place of export and road by which timber may be conveyed; and for this reason I obtained a modification of Rule 2 as it originally appeared by the addition of the words "or by such routes as may be entered in the pass by the Conservator of Forests or by any officer of Government authorized by him in that behalf." Depôts cannot be placed upon every road by which timber is carried, and to cause all timber to go by a few roads where depôts may be established would be a serious hindrance to the timber trade.

Answers to Questions put at suggestion of the Secretary, Thána Forest Association.

Q. 1.—It has been stated that the Survey officers, having had no time to demarcate Imperial and village forests, left large wooded numbers with an entry "*ránrakshan gur-*

charan, &c." intending that such numbers should be dealt with on the occasion of subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place, firstly, so far as all such numbers in a *túluka*, and secondly, in a village, are concerned? If not, will you please state your reasons for holding such a view?

A.—The mere fact of leaving large wooded numbers with an entry *ránrakshan gurcharan*, implies that these woodlands were intended to remain under forest conservancy. The word *ránrakshan*, meaning forest protection, *i. e.* protection of forest, and *gurcharan*, meaning cattle grazing, *i.e.* grazing of cattle, not necessarily free grazing, as stated in the body of the question. Where a free grazing privilege has been conceded by the Survey Department the word *mophat* (free) is invariably entered, and where no entry conveying free grazing appears, the inference to be drawn is that no free grazing privilege was allowed. A state of forest conservancy is not incompatible with the grazing of cattle, especially in the Konkan, where the rainfall is heavy and the growth of forest vegetation is luxuriant. The word *ránrakshan* preceding *gurcharan* would seem to imply that the forest protection was, as it obviously should be, the chief object of the reservation of these lands, which are hilly and their slopes more or less steep against cultivation. When the Forest Act came into operation the *ránrakshan gurcharan* numbers were very properly included in Reserved or Protected forests.

Q. 2.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forest under the Forest Act of 1878?

A.—I consider Government were fully justified in converting any portion of their waste lands in the Thána Collectorate into "Reserved forests" or "Protected forests" under Act VII. of 1878. Subsequent to 1863 a division of some forest lands into Imperial and village forests was made by officers of the Revenue Survey Department with a view to give effect to the recommendations of the Forest Committee of 1863 as an experimental measure. This arrangement continued until it was the pleasure of Government, who own the lands, to convert them into Reserved or Protected forests. The Survey Act under which the Survey Settlements were made provided that any land which might not be in occupancy but was temporarily designated *gurcharan* or waste in the Survey system of any village could be assigned by the Revenue Commissioners for any other purpose, and therefore it is quite clear that no rights of communities or individuals attached to any such lands. Portions of *gurcharan* and of other lands were from time to time given out as occupancy holdings, and became the property under the conditions of the Survey Settlement of individuals, and were removed from the exercise of all or any privileges upon such lands by other villagers collectively or individually. The general obligation which to my point of view the Government of a country has incurred by being the proprietor of extensive areas of forests is to manage these properties for the common weal and not for the special benefit of individuals, sections, or classes and communities at the expense of the commonwealth. The Konkan is exposed to a very heavy rainfall, and the erosive action of this great volume of water falling upon the earth from a considerable height cannot be exaggerated. If the forests which cover the hill-sides are cut down, the rain water will scoop away the unprotected soil from off the slopes until the rock below is exposed and no more soil is left upon it, and the soil which is carried from off the hills will smother the cultivation below the hills, and will eventually be deposited in the beds of the natural channels of the drainage of the country and in the harbour, bay, gulf or other part of the sea into which these channels discharge. It should be remembered that one inch of soil taken off an acre of land represents 3,600 cubic feet of earth. Rain falling upon denuded rocky hill slopes will run off as fast as it falls without percolating into the ground, and thus floods will occur which will sweep away cultivation in the plains below the hills, carry away the embankments of rice-fields. *Bándhni* cultivation is the characteristic of rice cultivation in the Thána district, and these floods, which will be the result of the uncontrolled return to the sea of the rain water which having come from the ocean in the form of aqueous vapour and then precipitated upon the land, will do very considerable damage to life and property. The presence of forests upon the hills does considerable service in other ways to agriculture upon the plains, the particulars of which I need not explain here. It is sufficient to say that the forests so placed, *i.e.* on hills and mountains, are high level reservoirs. Thus it will be seen that in the interests of agriculture upon the flat lands of the country and of the population who subsist upon this cultivation, the very serious obligation is imposed upon Government of protecting the forests upon the higher levels. Then, again, it must be remembered the vapour-laden clouds reaching the shores of West India from the ocean first touch the Konkan, and if they find a treeless rocky country upon reaching the shore, they will expand under the action of heat and become lighter in weight, and will rise higher and higher in the air until by the force of the monsoon, which means a prevailing wind, and not as is generally imagined "rain," they will be driven over the tops of the Ghâts, and thus the water-supply, the natural irrigation of other districts than Thána itself, will be prejudicially affected. There is also the consideration of timber supply for the district of Thána itself and foreign markets in other districts, which not being of a mountainous configuration, look to such part of the country as is physically the home of forests for its supplies of

timber and other forest produce. For the abovementioned reasons I am of opinion that the general obligations incurred by Government as the result of any demarcation of its forests which may be made are to protect the forests against destruction by individuals or communities. That Government have the legal right to protect strictly the trees on its forest land is evidenced by the fact, if this evidence is necessary to prove the case, that the head of the Revenue Survey Department in his letter No. 495, of the 26th July 1864, to the Conservator of Forests, informed the latter that the trees in the *gurcharan* as well as in the reserves *being the property of Government, the wood in the whole of this tract may be said to be reserved.*

Q. 3.—What object were these village forests intended to serve? Were they not meant, as the very name implies, to be assigned for the exclusive benefit of the village communities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—Village forests which were demarcated subsequent to 1863, and before the Forest Act came into existence, were not meant to be assigned for the exclusive benefit of the village communities. On the contrary, they represent areas which were marked out temporarily for the exercise of privileges of such nature and extent as were permitted by Government. So long as it pleased them to do so in contradistinction to other areas which were to be strictly reserved against exercise of any privileges. Even in the village forests the forest villagers, to whom alone the privilege of appropriating forest produce was allowed, were prohibited from cutting, lopping, or taking any of the more valuable kinds of trees which were reserved for the sole use of Government.

Q. 4.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued and no particular regulations seen necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department?

A.—I do not know on what grounds Mr. Winchester has stated that in Kolába it was customary for non-forest villagers to resort to the village forest of a forest village for its requirements free of charge, and I do not know to what village forest his remarks refer. I was the Divisional Forest Officer of Kolába, when the demarcation was made by the Survey officers, and to my knowledge no non-forest villager was allowed into the village forest of a forest village. It was directly contrary to the orders of Government that non-forest villages should have access to a village reserve for the supply of their wants free of cost, and it was ordered that the non-forest villagers must pay for such timber as they may require. I do most certainly see objection to the concession of a privilege which allows any villagers to go into a forest to cut and appropriate timber, for it will be impossible to protect, let alone improve, a forest subjected to treatment of this kind, and I see no reason why the population of a district should be regarded as paupers with claims to eleemosynary consideration upon the public revenues. In other districts of the Presidency villagers are required to self-provide their wants in timber, &c., and I do not understand on what grounds and exception is demanded on behalf of the Thána cultivators. In Gujarát there are no forests, in large towns and cities all over the Presidency there is an indigent population, in Sholápur there are very few timber-producing forests, but in not any of these districts or cities or towns are the people furnished by the State with timber free of charge, nor is the State called upon to choke off private enterprise and undertake petty trade in wood. The firewood consumption of the Thána Collectorate alone is estimated to amount in value to 15 lákhs of rupees, while the realizable land revenue of the Collectorate is only Rs. 13,80,070. Firewood is not so much a necessary of life as is food supply, but although it is urged that firewood shall be given free, we hear of no demand that the people shall be provided with grain free of cost.

3rd September 1886.

By the Commission,

Q. 1.—With reference to your answer to question 4 of the Thána Forest Association, you say that when firewood is demanded free by the people a similar demand is not made for free grain. Do you wish it to be understood by this that you do not admit the claim of any one to obtain free firewood from the forests?

A.—I do not admit the claim of any one. Under special circumstances Forest officers might make free grants of firewood to forest villagers. But I would not concede an

ad libitum privilege to collect firewood dead or alive. Where such a privilege has been given as in the Satána *táluka* of Násik, Government revoked it on the reports and recommendation of the Collector, because the villagers on the strength of the privilege cleared the whole hill side.

Q. 2.—Do you hold the opinion that because the value of the firewood consumed by the local population of Thána amounts to 15 lacs of rupees, while the land revenue amounts to 13,80,000, it would be preferable to remit the entire land revenue, &c., than to give the firewood free?

A.—I do not see why either firewood should be given free or the land revenue remitted.

Q. 3.—Mr. Madan states that in the case of the systematic thefts of timber from the Birvádi Government forest, the villagers would not come forward to give evidence, and apparently cites the case as a typical one of the general apathy, if not connivance, of the villagers in similar cases. Are you also of opinion that the villagers do not co-operate in the detection of forest offences?

A.—They do not as a body.

Q. 4.—Do you remember the circumstances of the Birvádi case?

A.—I have no distinct recollection of it, but I remembered that Mr. Wroughton, the Divisional Forest Officer, recommended that the contractor should be fined, as there was not sufficient evidence for a prosecution to be successfully undertaken, and that I concurred with him.

Witness No. 9.

27th August 1886.

Ráv Bahádur K. M. Thatte, Huzúr Deputy Collector of Sátára, stated in reply to question

By the Commission,

Q. 1.—Please give a full account of the system which you advocate for the conservation of forest in the Thána District.

A.—To prepare and submit to the Commission a full account of the system which I would advocate for the efficient conservation of the forests in the Thána District in substitution of the present scheme, I require full information on the following points:—(*a*) The strength and cost of the forest subordinate establishment in each *táluka* from Sub-Assistant Conservators to guards; (*b*) the duties and extent of local jurisdictions of the various classes of forest subordinate employés; (*c*) the prescribed special qualifications, if any, of each class of forest subordinates; (*d*) strength and cost of temporary establishments entertained to fell timber, collect and sow seeds, &c., for the two years 1883-84 and 1884-85.

I wish to know, moreover, if there is any law or rule to support the practice in Thána of investigating forest offences and frauds departmentally at first and of bringing them before the Police or the Magistracy at the pleasure of the Department, as ordinarily when *any offence* is alleged to have been committed, prompt information of such an occurrence is to be given either to the Police or the Magistracy in the first instance according to the nature of the offence. The records of such departmental investigations which are never brought to the notice of the Police or Magistracy, would also assist me materially in throwing light on the arguments I may use in proving that the forest departmental investigations, are not only useless and illegal, but do practical mischief to the sacred cause of justice.

I applied to Mr. Shuttleworth for the above information, and enclose herewith in original his reply to my reference for perusal of the Commission. If the Commission would be pleased to favor me with full answers to the seven questions I have sent to the Conservator of Forest, Northern Division, I shall prepare and submit for the consideration of the Commission a detailed scheme which I would wish to see substituted for the present one which has been pronounced as an administrative blunder by a considerable number of the witnesses examined by the Commission.

In replying to circular question No. 33 of the Commission, one of the ablest Revenue officers has advocated that let the realization of large forest revenues not be the first object of the department, and I make bold to suggest that realization of forest revenue should never be the object of that department at all. The sole and whole duty of that department ought to be to scrupulously *conserve* the forests in the full acceptation of the word. The creed of this department ought to be purely Budhistic as regards conservation of trees *"ahinsá parmo dharmah"* (cessation from killing life is the chief duty). The work of cutting forest and realising revenue therefrom should be entrusted to the Revenue Department. That the Forest Department is not competent to do this work, and that it has signally failed in it, can be proved by the very facts that led to the appointment of this Commission.

I have long held that the failure of the Forest Department is due principally to the faults of omission and commission on behalf of the subordinates of that department; and secondarily, to the absence of adequate control and check by its superior officers who, though numerically strong enough, are wanting in that administrative ability which alone can ensure proper conduct on the part of subordinates. And this belief I am glad to find has been fully shared by all the important witnesses examined by the Commission. I may also be permitted to add that I do not stand alone in holding that unless the full and hearty co-operation of the village officers and villagers be insured by a complete change in the present system of the forest administration no forest policy has the slightest chance of permanent success. In the absence of the information referred to above, I submit as a rough idea of my scheme that all the funds that are yearly spent by the Forest Department at present in maintaining the several subordinate establishments throughout the Thána Collectorate should be made to reach the village officers and villagers in some shape or other, and that have done away with all the forest subordinates that are at present in the service summarily as a punishment to them for the whole odium they alone can be said to be instrumental in having brought upon their department.

Answers to questions put at the suggestion of the Secretary, Thána Forest Association.

Q.—1. It has been stated that the Survey officers having had no time to demarcate imperial and village forests left large wooded numbers with an entry *"ránrakshan gurcharan,"* &c., intending that such numbers should be dealt with on the occasion of a subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place—firstly, so far as all such numbers in a *táluka*, and secondly, in a village, are concerned? If not, will you, please, state your reasons for holding such a view?

A.—The first demarcation was made by Survey officers who were fully acquainted with the wants of the people. It must, therefore, be presumed that the intentions of the Survey Department were completely satisfied after the first demarcation.

Q. 2.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—Inconsistent of course. The wants of the villages were fully taken into consideration when the first demarcation was made, and it is sheer breach of faith to appropriate lands then set apart as village forests for the purposes of State forests ten or twelve years afterwards. True it is that the Forest Act does sanction such a procedure, but it is against the spirit of the first settlement and first forest demarcation.

Q. 3.—What object were these village forests intended to serve? Were they not meant, as the very name implies, to be assigned for the exclusive benefit of the village communities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—Undoubtedly. Reserved forests were meant for the benefit of both the State and the rayats and village forests exclusively for the benefit or use of the latter alone, except as regards the royalty trees contained in them.

Q. 4.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued and no particular regulations seem necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department?

A.—Non-forest villages do get forest produce for their use from forest villages free of charge. It is a matter between the non-forest villages and forest villages. Why, then, should a custom long acquiesced in be now disturbed for the sake of making a small revenue and create discontent therewith?

By the Commission,

Q. 1.—The Survey Settlement having resulted, except in the tracts included in Kolvan and Dahánu, in the relinquishment in favor of occupants of all rights to other than the specially reserved royalty trees and for many years after the Survey there having been no effective restrictions imposed on the local inhabitants, as to taking forest produce, such as firewood for ploughs, &c., from waste lands, was it not the direct interest of each occupant to sell the maximum possible yield of forest produce from his occupied lands at market rates, and replace the produce he required for his own use from the forests and waste lands?

Q. 2.—Would not this circumstance in itself, in your opinion, sufficiently account for the alleged reckless destruction of trees in occupied lands?

A.—I cannot say. When I first became acquainted with Thána, four or five years ago, there were forest restrictions, and I came to the conclusion from conversation with the people that they cut their trees because they thought they would otherwise lose them.

Q. 3.—If, as you advocate, land must be disforested to meet the demands of extended cultivation, which you hold should not be prevented, owing to the increased demand due to the increased population, will not the necessary result be the ultimate disforestation of all forest, and when that has occurred and the population still increases, what will then have to be done?

A.—It follows, of course, that all forest land would be given up to cultivation in time but that is a question which may well be left to future generations.

Q. 4.—In the Southern Forest Circle a sum of 7¾ lács of rupees has during the past year been expended on establishment and working charges, &c., of the Forest Department, under what agency would you distribute this amount under your scheme?

A.—It would be premature to give an off-hand reply to this question, as I have not yet been able to prepare my scheme for want of necessary information, but I think it will not at all be difficult for the Revenue Department to make these payments in the same way in which other more extensive payments are every day made by that department through the Huzúr and sub-treasuries.

Q. 5.—When you wrote your answer to the question regarding the system you advocate for the conservation of forest in the Thána District, had you in your remembrance, in describing the practice of investigating forest offences which you say obtains in the Thána District, Section 52 of the Forest Act relating to the procedure to be adopted in such cases, and Section 67 of the same Act relating to the powers to compound forest offences with which forest officers may be empowered by the Local Government?

A.—Not fully; but I hold that even under this Act such power of compounding offences cannot be exercised without the knowledge and sanction of the magistrate having jurisdiction.

Q. 6.—As a magistrate serving for three years in Thána, had you to try many forest offences?

A.—Very few, none of any importance.

Q. 7.—From the cases which did come before you, what opinion did you form of the conduct of the village and forest officers respectively as regards their duties and responsibilities in detecting such offences?

A.—I do not remember particular cases, but my impression is that the village officers had little or no share in the matter, and as a rule held aloof. No complaints came to me of village officers withholding help in the detection of forest offences.

Q. 8.—What is the power and influence of *pátils* in the Thána villages now as compared with past times?

A.—The *pátil* is not so big a man as he was and has not so much influence.

Q. 9.—Does your scheme for forest administration involve the improvement of this position of the *pátils*?

A.—Yes, by giving extra remuneration and increasing their powers.

Q. 10.—With reference to your statement that very few forest cases came before you as a magistrate, are you aware of the ruling of the High Court that acts of theft from unsettled forests could not be prosecuted either under the Forest Act or under the Penal Code? Do you know any other reasons likely to prevent the prosecution of thefts from forests, for example, the cancellation of the Rules under Section 41, &c.?

A.—I am aware of the ruling alluded to, and also the cancellation of the Rules under Section 41 of the Forest Act.

Q. 11.—Would not these circumstances account for the paucity of forest offences brought before you as a magistrate?

A.—I am unable to say.

Q. 12.—You said above that your impression was that village officers, as a rule, held aloof, when enquiries into forest offences were going on. Can you give any reason for their so holding aloof?

A.—In a few exceptional cases I found the village officers had taken part in the investigations. In most cases they for some reason or other did not appear to have had anything to do with the cases.

Witness No. 10.

30th August 1886.

Mr. E. J. Ebden, Acting Collector of Bijápur stated in reply to questions put to him at the suggestion of

The Secretary, Thána Forest Association,

Q. 1.—In reply to the circular question 3 you say that since your connection with Thána you have come to the conclusion that as "too much rascality prevails, it would not be expedient to constitute village forests." Will you, please, state clearly the grounds on the strength of which you have come to such a conclusion?

A.—In the first place, by 'village forest' I understand a forest capable of supplying every want of a village. And in it the village is to exercise every description of privilege and satisfy all its wants, subject only to the control of a *panchâyat* consisting of members of its own community. My ideal village forest is therefore a property of very great value, and my ideal *panchâyat* is something too wise and blameless to be described, in fact, a Pándharpesha *panch*, such as is not to be found in the forest villages. Now my experience as a magistrate in Thâna, and study of its forest history, led me to suppose that for a long series of years the Forest Department had maintained and were maintaining with rather less than more of success a battle with a system of fraud, at the bottom of which lay the temptation of the Bombay market. It seemed to me also that the forests teemed with wild tribes, who however good fellows in their way, cannot on the average be said to possess a sufficiently high moral tone to remove them far from the region of rascality. On every hand I saw or read of the orders of Government neglected, reserved trees appropriated, forests burnt, dead wood manufactured and exploited, and so on, and an utter want of forethought for the future so long as material was in sight and could be got at by hook or by crook. Considerations such as these led me to form the opinion that I expressed perhaps rather strongly when I used the word "rascality" in describing it.

Q. 2.—Do you consider that under section 38 of the Land Revenue Code the Divisonal Commissioner can sanction any modifications of the Survey Settlement in respect of unassessed waste lands as he pleases? What do you consider to have been the object of the Legislature in enacting that without such sanction no modification of the Survey Settlement shall be valid? Would not a sweeping use of his power to sanction modifications of settlement be rightly regarded as a clear breach of faith and evasion of the law?

A.—I can only reply that the letter of the law does not limit the action of the Divisional Commissioner in sanctioning modification of the Survey Settlement in respect of unasssesed waste lands.

As a general principle it may be gathered that the higher the sanctioning authority the more consideration and discretion is understood to be required to be exercised. If the power conferred upon the Commissioner were used by him in a manner that could be described as "sweeping", I should still believe that great discretion and consideration had been used and that a breach of faith and evasion of the law are too strong terms to apply to such action off hand.

Q. 3.—In your reply to the circular questions 4 and 5 you say:—"And so far as free grazing grounds in forest districts are concerned, I believe I am right in saying that the demarcation was generally effected with a pen on the map. I have been a witness to such demarcation and have no reason to suppose that it was not a recognized custom." Do you include in your expression "free grazing grounds" all waste numbers with the entry *rán rakshan gurcharan, parigh*, &c., or do you understand by that expression only lands set apart for free grazing pure and simple? Do you also consider the survey operations in connection with this portion of their work to be so perfunctory as to be utterly untrustworthy?

A.—I should include in free grazing grounds any land in which the privilege was recorded at the settlement, whatever qualifications may have been added; I understood the term '*gurcharan*' to imply *free* grazing.

I do not quite apprehend what is implied here in the term "untrustworthy." All that I wished to convey in my answers to the Commission's questions 4 and 5 was that when the Survey assigned a portion of the jungle as free grazing it need not be taken for granted that that was the only or best grazing available and that therefore as a rule no wrong would be done by an alteration of the limits of the free grazing lands.

I certainly do think that at the original survey little or no attention was paid to the general arrangement of the free grazing lands, and that the easy system referred to in the question, as described by me, may have been adopted.

If you take the maps of a few contiguous villages and lay them together you will, I think, generally find that there must have been an absence of general plan in the arrangement of these grounds, *e. g.*, the Parsik hill range.

Q. 4.—It has been stated that the Survey officers having had no time to demarcate Imperial and village forests left large wooded numbers with an entry "*rán rakshan gurcharan*, &c.," intending that such numbers should be dealt with on the occasion of subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place, firstly, so far as all such numbers in a *táluka* and, secondly, in a village, are concerned? If not, will you, please, state your reasons for holding such a view?

A.—I am not quite sure that I understand this question thoroughly, but I take it to mean that the numbers referred to were intended by the Survey to be divided into *gurcharan* and forest and that I am asked whether I consider the final demarcation to have been completed.

I cannot give a definite opinion, as I am unaware of the grounds of the assertion, but I believe that as a matter of fact the demarcation referred to was not completed by the officers of the Survey.

Q. 5.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—I do not connect the old demarcation with a survey settlement. It did not take place till 10 years or so after the settlement had begun. I am not aware that it was made under any law, that any permanent rights were guaranteed under it, or that it had any finality. I know of no legal objections to its revision.

Q. 6.—What object were these village forests intended to serve? Were they not meant, as the very name implies, to be assigned for the exclusive benefit of the village communities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—The village forests were of course intended for the villagers to exercise privileges within. No definite rules appear to have been laid down for their management, and I am not aware that they were assigned for the exclusive use of villagers. I believe that Government have from time to time reserved their own right to various kinds of trees in such forests, and have always considered them to be under the control of the Forest Department. The term "exclusive" is only applicable to the portion of the forest reserved as Government forest, in which the exercise of privileges by the public was supposed to be forbidden.

Q. 7.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued, and no particular regulations seem necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department?

A.—I do not regard the matter from a revenue point of view at all. I simply look the necessity of controlling the reckless habits of the people and of endeavouring to ensure to posterity the benefits of the existence of forests. This is imperilled if an ever-increasing population with ever-growing wants are allowed to be constantly pushing back the boundary within which those wants are satisfied. The moment the extent of exercise of privileges reaches a point where it is beyond the power of reproduction to keep pace with the consumption of material appears to me to be the proper moment to place a check on those privileges, and to deny that they are reasonable. This point has, I think, been reached in the case of most non-forest villages.

Q. 8.—In your reply to questions 11 and 28—30 of the circular questions you advocate the establishment of agricultural depôts. Did you expect the depôt system to be a permanent institution? Do you think that that system has not had a fair trial? If so, will you, please, state the grounds of your belief? In your reply to the latter set of questions mentioned above you say that the failure of the depôt system "has probably been due to organized opposition, persistence against which is necessary." Will you, please, state the grounds on which you have come to such a conclusion?

A.—I did expect the depôt system to be a permanent institution. I am not aware from personal experience what trial it has had, but believe that it has been a very brief one. Besides the reason that I have already given for its apparent failure, I think that perhaps the depôts have been too few in number, and that an adequate increase of vigilance in controlling the exercise of privileges in the forests has not been simultaneously effected. It is also possible that care enough may not have been taken in the selection of material, and that too great attention may have been paid to making them answer financially, or at

least be self-supporting. At the outset of such a system I think that Government should be prepared to incur a somewhat heavy loss not only for the sake of popularising the institution, but as a fair commutation for the restriction of free privileges. With regard to the last part of the question I believe I am right in saying that at the outset before any depôts were established, and as soon as it became known that their establishment was contemplated, numerously signed petitions against the system were presented to Government. About the same time I read of the organization of the Thána Forest Association, and putting this and that together I came to the conclusion that the opposition to the depôts was the result of that organization.

Q. 9.—In paragraph 12 of the report of the Thána Forest Conference of 1882, in which as the then Forest Settlement Officer you took part and which you signed along with others, it is stated by that Conference on the strength of the information furnished by you, firstly that the proclamation of 1847 contemplated that the property in the trees planted thereunder should be secured to the villagers jointly by a written deed, and secondly that the average age of the fruit trees in Government waste lands claimed by the people as their property was anterior to the date of that proclamation. With reference to the first statement are you sure that the proclamation of 1847 did contain any such provision for giving a written deed to the villagers who availed themselves of the invitation involved in that proclamation? With reference to the second statement will you, please, state whether you enumerated all the trees so claimed by the rayats and prepared a detailed list of them? And, if so, will you please, describe the means you adopted for ascertaining the average age of the total number of trees thus enumerated? Again, if the average age was anterior to 1847, does it not necessarily follow that the age of some of them at any rate must have been posterior to 1847? If so, how did you dispose of such trees?

A.—I have no copy of the Conference Report of 1882 nor of the proclamation of 1847 handy, and I write from memory when I reply that the proclamation of 1847 contained two separate guarantees:—

(1). To individuals, of the property in trees planted in their private lands.

(2). To the village community, jointly, of the property in trees planted in the village waste lands; such property to be secured to the villager by a written deed.

No claim to the best of my recollection was ever made to me by the '*people*', *i.e.*, by the villagers jointly, nor was any deed produced before me.

I would suggest a reference to the proclamation itself as the last answer to the part to the question which asks me whether it contained certain provisions. I believe that copies of it are in the Pendse case book and that I considered them as authentic. As above stated no joint claim was made to me. Many claims by individuals were made to private rights in particular trees standing in waste lands. I thought it fair to assume that people planting trees in their own lands under the proclamation, and wishing to retain their rights would have taken care to assert their right in the land at the survey and that the fact of the land being still waste was sufficient evidence of the absence of foundation for private claims of individuals.

As a matter of fact most of the trees thus claimed stand in land, which as far as my work was carried, was recommended for disafforestment and it was unnecessary for me to enumerate them or to pass any decision regarding them. Where such claims were made in lands retained for forest I believe that I particularized them in the words of the claim rejecting the claim on legal grounds.

As to the age of the trees I spoke from general observation. No doubt a great many trees were planted since 1847, but no claim to such trees was legally established before me.

Q. 10.—Are you prepared to clearly state that the proclamation of 1847 was not responded to by the people? If so, will you, please, state your reasons for coming to such a conclusion? Are you aware that orders were issued by the Collector (of Thána) in his Circular No. 42 of 12th July 1847, directing the *mámlatdárs* to submit annual reports at the end of April informing him whether the people had understood the matter and taken on themselves to increase the plantation of trees? If so, have you ever seen any reports containing such information or showing whether the people responded or not to the proclamation?

A.—I am not prepared to state that the proclamation of 1847 was not responded to by the people, but I may say that as Forest Settlement Officer I made inquiries at every *táluka kacheri* in reference to the matter and was universally informed that no records on the subject were forthcoming. I have no particular recollection of the orders referred to having been issued unless they are those printed in the Pendse case and have seen no reports containing any information in connection with such orders.

By the Commission,

Q. 1.—Do you think that the principle that the wants of all kinds of the Thána District should be supplied before the Bombay market should be considered, should be accepted in the recommendations of the Commission?

A.—I think it impossible. There can be no doubt that the Thána forest is more than capable of supplying local wants, and nothing is risked by supplying Bombay.

Q. 2.—Would you insist upon the prohibitive duty on *all* wood felled from *málki* numbers for sale, or would you be satisfied if the duty were levied only on wood cut for export from the districts at the railway stations and bunders?

A.—I would be satisfied by the levy of the duty on wood leaving the limits of the district.

Witness No. 11.

3rd September 1886.

Mr. W. B. Mulock, Collector of Surat, stated in reply to questions

By the Commission,

Q. 1.—It is understood that in the Bulsár *táluka*, the conditions of which as regards rain-fall are very similar to those of the neighbouring districts of Umbargáv in the Thána Collectorate, the seed-beds for rice cultivation are not prepared with *ráb* of any description while in the latter *ráb* is universally used. To what do you attribute this difference in practice? Will you describe the Bulsár system of rice cultivation? Do you think that the Umbargáv cultivators if they followed the Bulsár system could get as good return as they now do? Do you think that the difference in practice in the two tracts under consideration is necessitated by different conditions as regards soil?

A.—In the southern *tálukás* of Surat, namely, Bulsár, Párdi, and Chikhli, *ráb* is very extensively burnt for both rice and *nágli*. The *ráb* used consists of cowdung and sweepings of the cow-pen and of the village generally; rice husks and rice straw are also used. Bough *ráb*, *i.e.*, the loppings of trees, are never used, and I do not remember ever to have seen a tree lopped for *ráb* in any of the above-mentioned *tálukás*. In the Native States of Dharampur and Bánsda on the eastern border of the district and in the Mándvi *táluka*, where forests exist, bough *ráb* is largely made use of. In Bulsár and Párdi rice is sown in *kharif* land on the *vávětar* system. No *ráb* is used, and there is no transplantation. In *kiari* or rice paddy-fields the usual transplantation system is resorted to, and the seedling bed is manured either firstly by burning a thin coat of *adher* (the name for *ráb* in the Surat district), consisting of cowdung, straw, or sweepings, or secondly by manuring it with unburnt cowdung or sweepings, called *khátar*. I do not believe there is any difference in the soils or climate of Párdi and Umbargáv, as a river, the Daman Ganga, merely flows between the two *tálukás*.

Q. 2.—On re-visiting the Northern Thána districts this year after some years' absence have you observed any changes worth recording in the condition of the cultivating classes? Do you consider their condition any worse now than it was, say, before the Forest Act came into force? If so, do you think that the restrictions since necessitated by stricter forest conservancy are in any degree answerable for the changes?

A.—On re-visiting last summer the Umbargáv, Dahánu, and Máhim *tálukás* of the Thána District, I was much struck with the numerous complaints I received from the cultivators that they were being turned wholesale out of their lands by the upper classes—Pársis, Bráhmans, Sávkárs and others. This was in no way due to the Forest Act or the restrictions under it. On the contrary, it seemed to point to land in Thána being looked upon by the shrewder and more educated classes as a better investment for their money than other descriptions of property. I met hundreds of these, Kolis and other wild tribes, who told me they had no complaint against the forests, asserting that they got all they wanted out of them. Their cry was very bitter against the Pándharpeshás and the money-lenders who had ousted them neck and crop out of the little holdings that they had held for years and years in the jungles. Whole villages had in some instances been swept clean of the older occupants, and the village lands had been entered in the name of some Pársi or Bráhman who looked on the village as his *khoti*. The matter impressed me very much, and seemed to call for serious consideration and action on the part of Government.

Replies to questions put at the suggestion of the Secretary, Thána Forest Association.

Q. 1.—It has been stated that the Survey Officers having had no time to demarcate Imperial and village forests, left large wooded numbers with an entry "*rán rakshan gurcharan*, &c.," intending that such numbers should be dealt with on the occasion of subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place, firstly, so far as all such numbers in a *táluka* and, secondly, in a village, are concerned? If not, will you, please, state your reasons for holding such a view?

A.—I do not know that I quite understand this question and I am not acquainted with the first demarcation alluded to.

Q. 2.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—I cannot see that there is anything inconsistent with the obligations incurred by Government at the Survey Settlement in setting apart village forests for the purposes of State forests. Section 32 of the old Survey Act I. of 1865 and Section 27 of the Forest Act VII. of 1878 appear to me to distinctly contemplate and legalize such a proceeding on the part of Government. I myself frequently have sold, with the sanction of the Commissioner, for building or for agriculture portions of lands assigned for special purposes under Section 32 of Act I. of 1865, and have never known my proceedings to have been questioned.

Q. 3.—What object were these village forests intended to serve? Were they not meant, as the very name implies, to be assigned for the exclusive benefit of the village communities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—From the entries in the public records it would seem that the village forests were intended primarily for forest purposes, and secondly for free pasture. The pasturage, which is frequently spoken of as *mophat* or free, in the village registers, was, no doubt, meant to be subordinate to the conservancy or protection of the forests on the land, inasmuch as most of the ground was then covered with forest growth.

Q. 4.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued, and no particular regulations seem necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Asssuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it many bring to the Department?

A.—If non-forest villagers are to be allowed to resort to the forests of forest villagers for *ráb* the supply of the latter will very soon be exhausted in *tálukás* like Bassein and Máhim. I believe that formerly all non-forest villagers had to pay dues on cart-loads of all forest produce as it passed certain *nákás* on the main roads leading from the forest; and we know that previous to our occupation of the country, the Maráthás had introduced forty-six money and twenty-four grain cesses in the Thána *tálukás*. Two of the principal of these cesses were for cattle grazing and for cutting firewood. Some years before the passing of the Forest Act, I believe that forest revenue was largely collected at these *nákás*, and it is only since their abolition under later forest arrangements that fees are not always levied, for firewood, *ráb*, &c., brought for non-forest villages. The admission of outside villagers into forest must inevitably tend to lessen the interests of villagers in the forests situated within their respective villages; and responsibility for injury cannot be insisted on or exacted under such circumstances.

By the Commission,

Q. 1.—Is the Commission to understand from your letter to Government, No. 1594, that the *talátis* made the entries of ownership of trees in *gurcharans* in bad faith or intentionally to favour the claimants?

A.—I think there are grave reasons for doubting the trustworthiness of entries made without inquiry by such low-paid officers. Most of the *talátis* are themselves landholders in the district or connected with landed interests, and therefore interested parties as regards the object of the entries.

Q. 2.—Supposing all such entries to have been made in different *tálukás* in consequence of the same order, which may have been rightly or wrongly interpreted, do you think that this was due to a conspiracy among the *talátis* of the different *tálukás*?

A.—No. I see no reason to suspect any conspiracy. I merely say that without inquiry I should not place implicit confidence in entries made by such low-paid officers. The more so as these entries were not even signed by the *talátis*, and consequently it would be impossible to fix the responsibility of any individual *taláti*.

Q. 3.—You say in reply to general question[1] No. I "on these *varkas* numbers there was a nominal assessment fixed varying from 1 to 2 or 3 annas per acre, and this nominal assessment had been settled owing to the ground being unfit for cultivation and encumbered with trees". Are we to understand that there was no allotment made by the Survey for inferior grain cultivation?

A.—No doubt a good deal of the land served for both purposes, *i.e.*, for *ráb* and growth of inferior grains. But I think the main object of the allotment was to provide *shindád* land, as almost all the *varkas* land had trees on it.

---

[1] The replies to general questions have been summarized and printed below (*vide* Summary, No. 14).

WITNESS No. 12.

12th August 1886.

Mr. W. F. SINCLAIR, Forest Settlement Officer, Kolába, stated[1] in reply to questions

By the Commission,

Subject.—Claims of the inhabitants of one village to resort to the forests of another village for firewood, rób, grass and grazing, wood for agricultural and building purposes and minor forest produce.

Q. 1.—Is there any thing in the records which will show whether such a custom existed in former years, whether it was in any way recognized by Government or whether any disputes as to the exercise of the custom between rival villages ever came under official cognizance? Can you also point when the distinction between forest and non-forest villages first arose and the reasons given in support of the distinction?

A.—The Ránsai *sanad* dated 1832 shows that some villages not named had at that time a prescription (*vahivát*) of cutting fuel in the forests of Ránsai, *táluka* Panvel. The *sanad* forbids the *Khot* to interfere with this prescription. In settlement I held that from its position and the circumstances of its cultivation Vindhane must be held to be one of these villages. None of the others could be identified; nor was any claim advanced by any other village in that case, nor has any *evidence* in support of such a claim been produced before me in any case, nor discovered by me in any inquiry. Such claims are sometimes, though not often, made verbally before me, when engaged in field work; but they are always denied by the forest villagers. As for the distinction between forest and non-forest villages, it must in the nature of things have arisen as soon as there existed villages which had forest and villages which had none; and the reasons for it are obvious on the face of such a state of things.

In Kardes Khurd and Budruk, *táluka* Panvel, Captain Francis made an arrangement for free pasture in an *inám* village for the people of a Government village, giving land to the *inámdár* to secure his consent.

Q. 2.—Are you aware of instances in which the inhabitants of forest villages have protested against their forests being used by the inhabitants of *benádi* or non-forest villages?

A.—I do not know what *benádi* means; but I hardly ever visit a forest village without the inhabitants protesting to me against the use of their forest for any purpose by outsiders. They do not of course consider a person resident elesewhere, but holding land in the forest village, as an outsider, nor do I.

Subject.—Inclusion in forest of shindád lands in which people had prior to the Survey either individually or in common a user of cutting táhál, &c.

Q. 3.—Some witnesses have stated before us that all the *varkas* lands including *shindád* lands in the *vahivát* of the people were not marked off at the time of the *varkas* survey because such lands were selected for forest; that the officers announcing the settlement gave the people to understand that though such lands were not marked off, their *vahivát* would remain uninterfered with; that the Revenue Department more or less acted up to this till the time of the forest restrictions. Please state whether these statements are substantially correct and also place before the Commission if you can the Survey Commissioner's opinion on this point said to have been expressed in the vernacular correspondence referred to in statement of Kolába Witness No. 20.

A.—It is not clear what "*varkas* survey" is referred to. But it is certain that there is, especially in the two southern *tálukás*, a very considerable area of Government forest entered in the original registers, in which individuals or the village community in general had, previous to the survey, enjoyed a prescription of lopping branches for manure. In such cases the fact was recorded in the register, and stands there at this day. As for the reasons for not marking them off I cannot interpret the mind of the Revenue Survey; but the interests of the Government timber revenue are by no means the only interests which influence me in retaining such lands in the hands of Government, *e. g.*, in a majority of cases where A or B only had a prescription of lopping for manure, the whole village community had as good a prescription of pasture, way or water. In this district (Kolába) as long as I can remember it, there has been a practice of giving the villagers at large an opportunity of objecting to the sale of occupancy rights in Government waste land, even if assessed, and in many cases the Revenue officers have in consideration of the representations of the villagers refused to allow land useful to the whole community to pass into the hands of private persons, though the legal right of Government to sell the occupancy was undoubted.

Q. 4.—Have any claims of private persons to fruit trees and other trees in unoccupied waste lands been admitted in the Kolába District? What record is made in the village records of such trees? If any of such waste lands are included in the forests how have the claims to fruit trees been dealt with by the Forest Settlement Officer?

---

1 In forwarding Mr. Sinclair's replies to the Commission, Mr. Keyser, in his endorsement No. 3137, dated 31st July 1886, writes:—"He hopes his written replies will be sufficient without his attending to give evidence, as Mr. Sinclair is more competent on most points than himself and has too a fair knowledge of recent forest administration."

A.—No rights of private persons to fruit trees standing in Government unoccupied waste lands have been admitted as against Government. I do not know of any case in which such rights have been recorded [1] by village officers. In one case, where there was strong documentary evidence, a right as against all but Government was found in Settlement. As regards the last part of this question the cases referred to have been dealt with under Section 7 of the Indian Forest Act. There is no other procedure.

Q. 5—Please give figured statements of the demarcation work done in the several *tálukás* of your district (Kolába) in pursuance of Government Resolution No. 1106, dated 26th March 1864, and prior to the passing of the Forest Act, work done by the Survey officers, Assistant Collectors or special officers, being shown separately. The figures of "Imperial forests" and "village forests" or "first class reserves" and "second class reserves" should be shown separately. It will be also useful for the Commission to know the principles on which the forest area was divided into two classes.

A.—I have not the Resolution referred to. But the only demarcations that could be said to be in force to any extent in 1878 were those entered in the survey registers whereof an abstract is appended (*vide* Exhibit No. 19). I am not aware that any of the numerous attempts at demarcation made by Assistant Collectors or special officers ever really came into force in the sense of being respected by the Forest officers, until the final settlement of Panvel last year.

Subject.—Lopping of teak prohibited.

Q. 6.—Dr. Gibson appears to have allowed the people to take teak loppings for *ráb:* when was this practice stopped? Is there any thing on record to show that pruning of teak by the cultivators injured the trees?

A.—The only possible real evidence in such cases is the evidence of the trees. But the lopping of Government teak for manure has never been a general practice here, and has been stopped altogether for so long that these trees now show nothing from which a conclusion can be drawn. But in some villages of Mahád private teak is regularly lopped for manure. The trees, as timber trees, undoubtedly suffer from the operation, to the extent of at least 50 per cent. of their value as timber. The farm, on the whole, gains, because the lopped trees cast less shade; and this advantage and that of the manure are worth more than 50 per cent. of the value of the very poor teak in question. It is good farming, but it would be bad forestry.

Q. 7.—Are the wild tribes prevented from removing *kárvi* for sale? Would the concession help them materially and is it open to any objection?

A.—I do not know what the departmental orders about *kárvi* may be. Practically a good deal of *kárvi* is cut by the forest tribes and other persons. I do not think that *kárvi* should be cut at the discretion of the forest tribes or any cultivator; but that it might be cut free at that of the Divisional Forest Officer. I am aware that some officers object to its being cut every year, on the ground that it only seeds once in seven years; but in most of the Kolába forests containing *kárvi* it coppices so strongly that there is no real reason for any special regulation on that score, and in my opinion it would be a good thing for many of the forests if it was a good deal more cut than it is; because it grows so dense as to give no other tree a chance for its life.

In the three Northern *tálukás* the forest tribes of some villages might make a little money on *kárvi*. In Mángáv there is no great market for it, and in Mahád there are next to no forest tribes.

Q. 8.—Will you give full particulars of *dalhi* cultivation allowed in the Kolába District? What area has been set apart and for how many families it is intended to provide *varkas* cultivation? Were any penalties enforced last year from the *dalhi* cultivators of Kamárli and other villages, and, if so, state the circumstances under which the penalties were levied?

A.—The *dalhi* question here is rather complicated by the very different condition of the various forests, and of the persons desiring permission to "make *dalhi*."

There is everywhere a tradition of a permission to cultivate in the waste during the English period, but I have failed in getting any copy of any orders on the subject.

The *sanads* of some *pátils* in villages lying between the Apta and Sánkshi creeks show that a cultivation of this sort by Thákurs was recognized and taxed by the Marátha Government in what are now the Mánikgad forests. It is certain that the practice existed up to 1878; but attempts more or less successful to stop it had been made in many places; and it had to my knowledge been pretty generally stopped in Panvel in 1876, though some lands had been allotted for the purpose in particular forests, especially in Mánikgad.

In Pen there were some very complicated arrangements upon which I am not competent to speak in detail, as I have not yet made the demarcation inspections of that *táluka*. In Alíbág, *dalhi* only existed in a few places, where the orders against it have always been evaded.

---

[1] In his oral examination Mr. Sinclair stated that he had since been informed that there were cases in which such record was made.

The same appears to have been the case in Roha to a greater extent, but the inspections of this *táluka* are incomplete. The Survey Department made a "*dalhi* number" in one village of this *táluka*, *mouje* Shenvai; but the application of this term is here misleading. The land is regularly entered as *khotnisbat* and differs in no respect from any ordinary "*varkas*" (upland) number in which Government might not have parted with the trees. It is as much "occupied land" as any rice field or garden—*Vide* definition of "occupant" in Bombay Act I. of 1865, Section 2 (*j*) and in Bombay Land Revenue Code, 1879, Section 3—(16) and (17).

In part of Roha the *dalhi* question is one for the *khots* rather than for Government, as they hold large areas of land suitable for that purpose.

The same is the case, to a much greater extent, in the next *táluka*—Mángáv. There is here one case resembling, that of Shenvai, where the Survey Department called a number *dalhi* but entered it in particular names, so that it is really *occupied* land. In this *táluka* orders against *dalhi* had been a good deal evaded.

Mahád was in the same case as Mángáv, except that there are very few forest tribes in it. The persons asking for *dalhi* land were mostly Maráthás (often *khots*) and Mhárs. The latter may be said to replace the forest tribes in this *táluka*. Indeed some of the poorer Maráthás here come down nearly to the level of Thákurs in poverty; but both they and the Mhárs have the advantage of true forest tribes in being capable of going to Bombay for work and of military service. The matter was taken up in 1884, when at my suggestion orders were issued to allow the forest tribes to cultivate where they had been accustomed to do so, pending the forest demarcation.

In the following year lands were allotted for *dalhi* in all Government forests in Panvel and Alibág where resident forest clans asked for it; and this year the same has been done in Mahád and Mángáv. In a few special cases this permission has been extended to individual Mhárs, in one case to Maráthás, and in one to a Dhangar.

The forms of permit and *kabuláyat* are appended (*vide* Exhibit Nos. 20 and 21).

The persons to whom these lands have been allotted have in all cases erected the boundary marks of the *dalhirán* free of cost to Government. The authorities are Government Resolutions No. 5319 of 9th August 1882, and No. 7863 of 4th October 1884, paragraph 4. In this last there was a hope expressed that this form of cultivation might be made a means of improving the forests, and though I took up the question originally as one chiefly of "famine relief" and police, I find every day more reason to believe that the *dalhi* is not only a possible means but almost the only possible means of improving the forests of the two southern *tálukás*. The use of it for this purpose will involve a considerable extension of the *dalhi* settlement by the executive forest officers; and its application in many places to Mhárs, and to cultivators of caste besides the establishment of nurseries. The present settlement cannot therefore be regarded as final, the less so as in the settled *tálukás* fresh applications are frequently made by persons who did not come to me when in their neighbourhood. One of these, apparently, is the case of Karambeli, *tarf* Taloje in Panvel, referred to by (Kolába) Witness No. 21. The records show no application from this village, and had one been made there was no objection to granting it. But no *dalhi* land is assigned without a written application, and it is likely enough that the conversation referred to by this witness was one with myself not followed by such an application (which, by the way, is free of stamp duty).

It only remains to add that the word *dalhi* in this district cannot be distinguished from *varkas* as a name of cultivation. It properly means cultivation by hand on land unfit for the plough, and *varkas* simply means upland and is applicable to any lands not under rice, garden or cold weather cultivation, and not being marsh. The most destructive form of *dalhi*—the mere cutting of jungle and sowing in the ashes—is so rare that I have only seen one case of it this year (in private land) and is forbidden in the permit. Statement of *dalhi* settlement up to date is appended (*vide* Exhibit No. 22).

Q. 9.—What articles of minor forest produce have hitherto been farmed? Give the collections of the past five years on account of each of such articles or each group as may have been farmed separately. Has there been any recent modification in the matter of these sales?

A.—On this head I beg to refer to this office (Forest Settlement Office, Kolába,) No. 100, dated 1st April 1886, giving my opinion on the concessions desirable in respect of forest produce generally (*vide* Exhibit No. 23).

Q. 10.—Give a full account of the agreements entered into by Dr. Gibson for the protection of teak or the forest in general in *khálsa* and *khoti* villages. How many of such leases are still in force? Can you place before the Commission any report or correspondence showing the effect of such an arrangement on forest conservancy, &c.? How have such leases been dealt with by the Forest Settlement Officer?

Government Resolution No. 7863, dated 4th October 1884, paragraph 5.

A.—The Forest Settlement Officer, Kolába, has nothing to say to this matter—*Vide* Government Resolution marginally noted.

Subject.—Trees in dhára lands.

Q. 11.—Are not Government Resolutions No. 1240, dated 24th March '1868 and No. 2095, dated 27th May 1868, held applicable to *dhára* lands in the Kolába District? Are *varkas dhárás* distinguished in this respect from the *kharif dhárás*?

A.—There appears to be an idea in the minds of some officers that *varkas* is a tenure or rather a prescription of use of certain lands for manure and other purposes connected with the cultivation of other (namely, rice) lands. *Varkas* however means nothing but *upland;* and this theory based upon the Pendse case and the peculiar circumstances of a part of the Thána District is by no means of universal application.

In Mahád and Mángáv particularly there are many upland holdings which are independent of any rice land, and are the sole support of the occupants. The staple grains, indeed, of the Mahád *táluka* and of most of Mángáv and part of the Roha are the dwarf millets grown only upon the uplands without artificial irrigation. I do not see how any officer familiar with the language and agriculture of these districts can doubt that the people are right in maintaining, as they universally do, that upland is as legitimate a subject of the *dhára* or proprietary tenure as rice land, or any other.

The retaining terraces of these old upland fields, and the trees growing on them, furnish ample evidence of ancient and continuous cultivation broken only by the necessary fallows.

Q. 12.—Dunlop's proclamation is relied upon by the Kolába Association as giving the people right to trees *all* over the Southern Konkan except Tudil and Vinher.

Can you place any papers in the hands of the Commission which will show what the scope of the proclamation was intended to be? The Commission would specially like to see the whole correspondence of the time on the subject between Mr. Dunlop and Government, especially Mr. Dunlop's letter to Government dated 18th October 1823, regarding an investigation into the depredations committed in the teak forests in the Suvarndurg *táluka.* If the correspondence be not forthcoming on the records of the Collector, it is requested the same may be obtained either from the Collector of Thána or Government.

A.—There are no records in this office (Forest Settlement Office, Kolába) about Dunlop's proclamation. I have always taken it as applying to the country up to Apta creek, exclusive of Tudil, Vinher and the old Kolába territory.

Q. 13.—Please give the area and assessment of the numbers alluded to in statement of Kolába Witness No. 10 if they can be identified. Were these numbers amongst those that were given at the Survey on lower assessment (*Kamdari*) to Thákurs and Gavlis, the right to trees being reserved?

A.—The evidence and question give no data upon which the lands referred to can be identified in this office.

Subject.—Exploitation of forests.

Q. 14.—Is there any ground for the implied charge that more is being taken from the Kolába forests than it can legitimately yield?

A.—I am a good deal inclined to think that the firewood in that part of Roha which I have visited, and in the forests of Mángáv on the Mándád creek, has been rather overcut.

Q. 15.—In your reply to question 3 of the circular questions you refer to "some real village forests" in the Kolába District the inhabitants of a village or a number of them having united together and bought a right of occupancy of large *varkas* numbers for their joint benefit. Is the instance given by Kolába Witness No. 25 of seven numbers in Lonivli of Panvel which are said to have been taken up by one man on behalf of the whole village at the Survey one of the real village forests to which you allude? Have any similar instances come to your notice where this original arrangement has been repudiated by the individual in whose name the land was entered? How would you propose to prevent such abuses?

A.—I did not refer to Lonivli. The circumstances alleged by Witness No. 25 were not to my memory ever brought to my notice; but they are not improbable in themselves. No similar instance has been brought to my notice. And the obvious remedy against such a proceeding is an assignation to trustees.

Replies to questions[1] *put at the suggestion of the Secretary, Kolába Forest Association.*

Q. 1.—In your reply to question 1 of the circular question you say:—"I am not going here into the question of 'rights and privileges,' especially as it is based upon a misconception of the meaning of the latter word." Will you, please, state what this misconception is to which you allude? And will you also give the Commission your definition of the term "privileges," quoting such authority as you can in support of it?

---

[1] In forwarding these replies to the Commission Mr. Keyser in hi letter No. 3239, dated 7th August 1886, writes :—

"I have the honour * * * * to intimate my general agreement with the replies furnished, and also with the reasons given for not replying to some of the questions.

2. "Mr. Sinclair in a letter to me says 'I wish it most distinctly to be understood that I do not (object to the questions) from any want of respect to the Commissioners or any wish to withhold information ..... But nothing could justify my giving evidence as to the motives and obligations of Government, or allowing myself to be led as a witness into discussing a case in which I have recorded judgment according to law and which is actually before a Court of revision.' I have nothing to add to these remarks except to endorse them."

A.—A "*privilege*" is not necessarily opposed to a *right* in Latin or English. It may be enforceable by law, as the privileges of Parliament, or those of the city of London; or it may be a mere favour, revocable at the pleasure of the granting authority; as the privilege of the private entry to a palace. It is much to be regretted that language implying that all privileges belong to the latter class has been repeatedly used in respect of forest matters.

Q. 2.—Do you consider that any concession made or custom (*vahivát*) recognized at the time of the first settlement is irrevocable even after the expiry of the first term of the settlement? In other words do you consider such a settlement to be binding upon Government for all time to come, subject of course to the provisions of the Land Revenue Code (Section 38)? Will you, please, enumerate those operations connected with the Survey Settlement to which you think the term of thirty years applies? In other words, is there any portion of those operations which were intended to be permanent and not subject to revision?

A.—I cannot undertake to give a general explanation of the law of settlements and speaking generally I object to giving opinions on abstract points of law. When a point of law arises in my court I decide it, not otherwise. If any clear and intelligible question on a matter of fact is substituted for this series of rather vague questions I will endeavour to answer it.

Q. 3.—It has been stated that the Survey officers, having had no time to demarcate Imperial and Village Forests, left large wooded numbers with an entry "*ránrakshan gurcharan*, &c." (forest and free grazing), intending that such numbers should be dealt with on the occasion of subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place, firstly so far as all such numbers in a *táluka*, and secondly in a village are concerned? If not, will you please state your reasons for holding such a view?

A.—I cannot give evidence as to the motives or intentions of Survey officers. Entries in registers ordering that such and such lands are "forest and free pasture" are common and cannot be cancelled without the sanction of the Commissioner under Section 38, Bombay Land Revenue Code. When I find that this interferes with what I consider the best demarcation and subsequent management of the forest, I apply for sanction to the modifications required.

Q. 4.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—I must with all due deference decline to become a judge of the obligations of Government unless when they come before me in court.

Q. 5.—What object were these village forests intended to serve? Were they not meant, as the very name implies, to be assigned for the exclusive benefit of the village communitities which were and are in the habit of resorting to them for supplying their agricultural and domestic wants?

A.—I never made a village forest and cannot depose to the intentions of those who did. I believe the question may be found discussed in some correspondence of 1863, in which I bear no part and whereof I have no copy.

Q. 6—In reply to question 3 of the circular questions you say that the failure of the old village forests was ensured by the determined opposition of all Forest officers and some Revenue officers. Will you, please, state what you mean by the failure of the old village forests, and what was the cause of the determined opposition of all the Forest officers?

A.—The Forest officers, at least every Forest officer whom I have known, opposed the creation of village forests on the ground that the village communities were not sufficiently intelligent, or strong enough in organization to manage forests without control. This opinion is shared by many Revenue officers, and the combined opposition was so strong that I have not heard of any attempt on the part of a Government officer to create or maintain a village forest or assist in its creation or maintenance for 15 years.

Q. 7—Will you, please, produce a copy of the decision you recorded as Forest Settlement Officer in the case of Ránsai in the Panvel *táluka?*

A.—It is not in my power to comply with this request.

Q. 8—Is it a fact that in the early days of British rule it was invariably the practice when a forest village was wholly or partially alienated, or wholly or partially farmed out to a person to expressly stipulate that the alienee or farmer, as the case may be, shall duly respect the right or *vahivát* of the people not only of the village itself but also of surrounding non-forest villages to remove forest produce from it or graze their cattle there?

Q. 9—If not, how do you account for the specific stipulation contained in the *sanad* granting the *khoti* of the forest village of Ránsai (paragraph 10), and for similar express stipulations in the deeds of agreement under Dr. Gibson's farming system? If such was not the invariable practice, can you point to any particular circumstances connected with Ránsai which necessitated the insertion of such a specific stipulation?

A.—I am not aware that the practice was invariable; but if such rights existed, it would be the duty of the officer drafting a grant to provide for their being respected As regards the Ránsai settlement, I must beg to be excused from discussing as a witness matters which I have decided as a judge; and which are still under judgment.

I do not account for any proceeding of Dr. Gibson or any other officer; and the "deeds of agreement" made by him are no part of the concerns of my office which does not contain one of them.

Q. 10—If such was, however, the invariable practice in the early days of British rule, does it not follow from that fact that in *khálsa* forest villages Government must be held responsible for seeing that the right or *vahivát* of the surrounding non-forest villages shall not be interfered with by anybody?

A.—I must decline to decide in this place on the responsibilities of Government; and I do not see how my opinion as to what follows upon an unproven premise can be called for as evidence. When I, personally, have found any right or prescription to exist, I have held *myself* responsible for endeavouring to prevent any illegal interference with it.

Q. 11—Does it not also follow from the same fact that by the said specific stipulation Government admitted its inability to alienate in favour of the alienee or farmer what the State never before claimed or enjoyed, or, if it had ever before claimed or enjoyed it, was at that time conscious of having already alienated in favour of the people of the surrounding non-forest villages?

A.—Even if the premise were proven (which it is not), the conclusion would not follow. The stipulation might be made as a favour to the person to whom the privilege was secured by it. This is of course not evidence; but it leads to something, that is, namely, that in 17 years' acquaintance with forests in this Presidency, though I have heard every possible sort of claim that any one could dream of made upon forests, I never met a *khot*, a rayat or any one else, who denied the right of Government to part with the *occupancy right* of unalienated unoccupied waste land or to grant it in *inám*, with trees, grass, stones and water; and it is a very common thing, in the forest meetings between villagers and myself, for them in one breath to claim all sorts of prescriptions and rights, and in the next to beg that the occupancy right of the land may be given out or sold even by auction. This is most frequently the case in the Mahád *táluka*, where the pressure of population on the land is very severe.

Q. 12.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued, and no particular regulations seem necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department?

A.—I cannot make the assumption required, as it is contrary to my experience in most places. The so-called "prescriptions" are very often more chronic theft, secured too often by bribery. But I do not see any objection to the grant of leave to lop for manure from any forest which can afford them, to any person who will comply with proper regulations respecting the lopping, and pay the price fixed. And I think that that price should not in most cases exceed a mere charge for supervision, that is, the loppings should not ordinarily be looked upon as a source of Imperial Revenue. The grouping of villages for this purpose would be a necessary part of the arrangement; but the groups, and the lands allotted, would necessarily be subject to frequent modification to permit of closure. And the whole proceedings should be departmental and under departmental control, including of course the advice of the Collector.

Q. 13.—Do you consider that *ráb* privileges are absolutely incompatible with a working plan providing for a maximum yearly outturn of firewood from any given area of forest land? If so, can you give the Commission an estimate of the maximum yearly outturn of firewood from a forest block, say, of 10,000 acres, in which all *ráb* and other privileges have been extinguished, and from another block, similarly circumstanced as regards area and its wooded condition, in which the people are allowed the same rights of user as those which the Kolvan and Dahánu occupants enjoy at least in their *málki* numbers under their respective settlements? If so, will you, please, give the estimate with the grounds on which you base it?

A.—That depends on what is meant by "*ráb* privileges." As a general rule I find that what people mean by this and similar expressions is leave to go into the jungle and cut whatever wood they require for agricultural purposes and fuel at their own discretion; and this is utterly inconsistent with any kind of a working plan in respect of firewood.

Such an arrangement as I have sketched above in my answer to the last question would not be incompatible with a working plan; but wherever you allow *trees* to be lopped for any purpose whatever you will infallibly reduce the yield of firewood. It is a law of vegetable

growth that a tree, to make wood, must have leaves; and after lopping the growth of stem and root is checked until new leaves have been developed. I cannot undertake to make working plans of imaginary forest blocks, but probably, other things being equal, the yield of fuel and timber from an absolutely closed block would be double that of land in which even moderate lopping was allowed; and one in which every one who pleased was allowed to lop, must sooner or later become grass land. I am not aware of the so-called "rights of user" of Kolvan and Dahánu.

Q. 14.—With reference to your reply to question 25 of the circular questions will you, please, explain your meaning more fully?

A.—I have to request, first, that I may be informed what difficulty exists in understanding my original answer to circular question 25. The Commission does not appear to have found any.

Q. 15.—Is not the distinction now made between forest and non-forest villages a purely imaginary one, based on no principle recognized in practice by the villagers themselves, and enforced by the Department more in the interests of its revenue than in those of *bonâ fide* forest conservancy?

A.—The distinction between forest and non-forest villages is based upon the nature of forests and of village communities. It exists all over Europe as well as here; it is recognized in principle and practice by every forest villager I ever saw in my life; and in my opinion forest conservancy is almost impossible without it. I have nothing to say to the "motives" of the Department, but in my opinion the distinction is necessary for the sake of the Department, the forest villagers and the people at large. As to pasture, it now rests on statute, Bombay Land Revenue Code, 1879, section 39, which however allows for the assignment of pasture, if necessary, to special outsiders.

Q. 16.—If, as you broadly suggest in your reply to question 13 of the circular questions, the principal reason for making any concessions to the people of forest villages is that otherwise they would have the strongest motives to injure the forests, do you consider that the people of non-forest villages have not equally strong motives and almost as good opportunities, as those which the people of forest villages have for injuring the forests? Has the distinction now drawn between forest and non-forest villages any connection in your opinion with the allegation of corruption of subordinate forest officers contained in the evidence?

A.—I do not exactly understand the beginning or end of this question. As to the middle of it, the people of villages in which there is no forest have not usually in the mere nature of things the same claims, duties or opportunities for protecting or injuring a forest as the forest villagers have.

Q. 17.—Will you, please, state the reasons why the Forest Act of 1865 was never extended to this Presidency? Do you think it must have been considered superfluous to extend that Act to this Presidency as every thing needful was being done under the provisions of the Survey Act of 1865?

A.—I cannot testify to the motives of the legislature. But as a matter of fact I have found, with one exception, the ordinary law of the country sufficient for the management of forests, as of other lands. The exception is provided for in Section 67 of the Indian Forest Act of 1878, which allows forest officers to compound for theft, a thing that cannot be done under the ordinary law, but is very often desirable in forest cases.

Q. 18.—In some *tálukás* of the Kolába District, which district formerly formed part of the Thána District, it is found that the *ráb vahivát* was recorded by the Survey Department in respect of some wooded lands, while in the case of others no such record appears to have been made. Do you not consider that such a *vahivát* must have existed more or less in respect of all waste lands in the anti-survey period, and that at the time of the Survey Settlement, even though no written record of such a *vahivát* was made in the Survey papers, the people must have been told by the Survey officers to continue their *vahivát* as before?

A.—I have no doubt that there were large areas in existence at the time of the Survey in which no prescription of lopping existed, nor, on the other hand, that in the northern *tálukás* and Nizámpur some such prescriptions were left unrecorded. I do not think many escaped record in the forests of Rájpuri and Ráygad.

Q. 19.—Will you, please, state whether the proclamation of 1847, which applied to the Kolába District, as it then formed part of Thána, was responded to by the people of your district, and if so, with what results?

A. 1.—Taking this queston literally on the face of it I cannot answer it. But if it be read "What evidence is there of the plantation and protection of trees in the Kolába District by cultivator since 1847?" an answer can be given.

2.—I cannot now say whether the proclamation was even published in Kolába, but am making inquiries and will report the result. [1]

3.—Undoubtedly large number of trees exist in occupied lands throughout the Kolába District which have been planted (or protected, fenced and watered where they had sprung up naturally) since 1847, under the real or supposed guarantees hereinafter set forth. Only an infinitesimal proportion of these are teak trees and these are growing in gardens or in the enclosures around houses. Nobody here plants teak elsewhere, if for no other reason, because

[1] Mr. Sinclair has subsequently informed the Commission that the proclamation was published in the Kolába District.

the local seed is very bad, being mostly derived from what is called 'second growth,' but is really often the 4th or 5th or 6th growth from old stools.

4.—Of fruit trees, especially mango, there are great numbers, and in the northern *tálukás*, of *karanj* or 'Indian beech,' a tree which yields a marketable nut, used in making oil and is valued for its shade and beauty.

5.—These trees are usually in upland (*varkas*) and the people have undoubtedly looked upon them as their private property for the following reasons. In the first instance, upland in the southern *tálukás* is usually held on one of the following tenures .—

(*a*) By *dhárekaris* or yeomen proprietors whose right to trees has always been admitted and who represent here the *mirásis* (hereditary yeomen proprietors) holding dry-crop lands in the Deccan. These lands have no necessary connection with rice land, producing themselves the staple crops and differing entirely from lands held merely to supply manure to rice land.

(*b*) *Khot nisbat varkas* lands, that is, uplands held by the hereditary farmer of a village under the present settlements. A large part of these was undoubtedly originally the *khot's* own *dhára* land; for not only can a *khot* hold *dhára*, but in many cases the *khots*, especially in the highlands, evidently represent the original body of settlers in the village resembling a body of so-called *zamindárs* in Upper India; or a village with no one in it but *pátils* and Mhárs, such as you often find in the poorer parts of the Deccan.

6.—But under existing settlements of *khoti* villages such lands are hardly distinguishable from lands which were *waste* up to the period of settlement and were then taken up by the *khots* under (as regards trees) the guarantee contained in paragraph 42, Government Resolution No. 1832 of 18th May 1860. In fact the numbers then taken up were by that order levelled up to the '*khots' dhára varkas*' (or upland held by the *khot* as a yeoman proprietor, quite apart from his farm of the land revenue of the village). It is tolerably certain that in the case of the Marátha yeomen *khots*, their *dhára* tenures were either older than, or at least coeval with, their farms of the revenue. The latter indeed seems often to have been rather suretyships than farms, especially in the earlier days of the tenure and are sometimes so spoken of to this day.

7.—Finally Captain Francis introduced the rules of the Joint Reports into Panvel, Revdanda and Underi (forming together the modern Alibág), Sánksi (modern Pen mostly) and Rájpuri, which is divided between the modern *tálukás* of Roha and Mángaon. Ráygad the present Mahád and part of Mángaon) was settled in 1866 under Act I of 1865, but rules under Section 28 of that Act were not framed until long after; so it cannot be said that either the Joint Rules or any other rules were in force there except the orders contained in Government Resolution No. 1832 of 8th May 1860, which may perhaps be taken as coming under Section 37 of that Act. The Act came into force on the 6th January 1865 and Ráygad was settled in 1866.

8.—This is not the place for considering whether Colonel Francis' action in introducing the rules of the Joint Report was legal or not, nor foregoing into the modifications which he took upon himself to make in them as regards occupied upland in Panvel.

9.—It appears, however, that up to the survey only *dhárekaris* and alienees having special clauses in their grants (commonly called '*jal taru*' clauses) could hold themselves entitled to teak in any land whatever, and accordingly there does not seem ever to have been a custom of planting teak and its protection everywhere devolved on Government agency such as it was. Up to the survey however it is probable that all other trees were lopped in many uplands for manure. The evidence of the Ráygad registers is very strong on this point.

10.—In uplands held on inferior tenures or where there was a prescription of lopping exercised by private persons or communities, there is no evidence that any one exercised a right of felling timber of any sort, but there can be no doubt that in such places the holders of the land or of the prescription protected trees against outsiders, and took in the case of trees yielding fruit and shade an amount of trouble about them which may be considered as equivalent to plantation, though the method of the country in such cases is usually rather to protect a natural seedling than to import one. Where trees were actually planted was usually in the neighbourhood of the cattle-sheds in the forest pastures. These are a positive necessity in many places, and though the right to them as against Government has seldom been allowed in settlement, the village herdsmen are still usually permitted to erect them. *As among the villagers* their occupancy is well recognized and is usually very ancient as can be seen from the size of their trees and live fences. The evidence of the trees themselves is that these processes have been continuous for many generations; until the advance of conservancy, and the action of the civil law induced many people to believe that the best thing to do with a tree was to cut it down before it was claimed by a landlord, creditor or Government and that planting or protecting new ones was to labour for others.

11.—This feeling came to a head in 1879 and following years, and pretty nearly stopped plantation, while it gave a great impetus to felling. I think it is already beginning to pass away in the *tálukás* already settled and finally demarcated; but it will take some years to get the slow moving mind of the cultivator fairly settled again.

12.—As regards the plantation of the waste by the joint enterprise of any village, there is little trace of it. All that can be said is that, the forest villagers regard with extreme disgust any injury inflicted on the forest of their village by an outsider. Any person injuring mangrove swamp which is important as protecting the salt rice reclamations from the tide, would be vigorously resisted, if necessary by force, and in a case where I enquired on the spot into a claim for extra parochical loppings for manure, the defending forest villagers showed a tendency to resort to the *argumentum bambulinum*, which was, I think, only restrained by my presence.

13.—This feeling, of course, would be much weaker where there was certainly enough for all, as it is based much less on mere jealousy than on a sense of interest and justice; and on the certain knowledge of the forest villagers that people who have already destroyed their own manure lands or converted them to other purposes, are pretty sure to do the same in the next place too.

14.—This desire of the forest villagers to protect the forests against outsiders has been much weakened of late years by the serious curtailment of their own privileges therein. It is all very well to protect a tree of which you are going to have the loppings, even if Government finally sells the stem.

15.—It is quite another thing to protect a tree when you yourself may only take the grass and bushes at the foot of it, which are somewhat impeded in growth by its shade when unlopped.

16.—There is therefore at present little joint action of villagers in protecting forests, and even in places where trustees hold uplands for the benefit of the community (as in Váve and Karnála in Panvel) they are unwilling to plant at present. Indeed in Panvel, where pasture is more important than timber or fuel, they will always be slow to plant to any great extent in such lands, as to do so would injure the grass.

17.—There is what can hardly be called a form of common planting around villages especially about village tanks. There is no well marked association in it. Generally one person or family plants and protects a tree, the rest do no more than respect it, but they do that willingly. There were a great many petitions about such trees when I was demarcating the forests of Alibág, which in very numerous cases were in contact with the villages, being in fact the old common pastures and standing grounds which had been gazetted in a lump. The forest lands lying in such positions were all disforested and the correspondence files sent in to the Revenue Department for disposal. There was always some individual who said that he or his father had planted the tree and would have resisted any attempt to treat it as village property. In most cases the species and condition of the tree showed clearly that it had been planted and cared for by somebody.[1]

16th August 1886.

Replies to Questions by the Commission.

Q. 1.—Do you think the description given by Mr. Atkins of the growth of the custom of non-forest villagers to resort to the jungles of neighbouring villages in the Murbád *táluka* (*vide* page 41 of the Thána Evidence) is true of the Kolába District?

A.—No.

Q. 2.—Have you any remark to make as regards the statement of Kolába Witness No. 19 that the people of forest villages do not object to their forest lands being used by outsiders?

A.—It is my experience that the inhabitants of forest villages invariably object to their forest being used by outsiders. Even in the case of Vindhane, where I found that the inhabitants of this village had right in the Ránsai forests, the inhabitants of the latter village strongly objected to the decision. The evidence of Kolába Witness No. 19 on this point as regards Nos. 111 and 124 of Bhise illustrates the general feeling. By a forest villager I mean a person connected with the village but not necessarily residing in it.

Q. 3.—As a matter of fact how have the inhabitants of non-forest villages hitherto got their supplies of forest produce?

---

(1) In submitting his reply to this question to the Collector of Kolába, Mr. Sinclair observes:—

"Taking it literally the question might be answered by pointing out the impossibility of deposing to what happened before I was born.

"But what it really amounts to is 'how much have the people of Kolába planted or protected trees in—

(*a*) land held on a proprietary tenure as by the *dhárekári* yeomen, or by alienees having written grant of 'trees, grass, stones, water and hidden treasure;'

(*b*) lands held under Government with less full tenure, but in which rights in trees may or may not have been conferred by published acts of Government or its officers;

(*c*) unoccupied unassessed Government waste land assigned for public purposes, or not so assigned.'

"I have had to consider also the protection of natural growth which, in some cases, when natural seedlings are fenced, watched and watered, is, I think, equivalent to plantation.

"I have not considered myself entitled to quote any document not printed, nor to give my opinion as to the legality of Colonel Francis' introduction of the Joint Report rules. The introduction itself was in its nature a public and notorious action."

In forwarding this reply to the Commission Mr. Keyser, Collector of Kolába, in his endorsement No. 3273, dated 9th August 1886, writes:—"The undersigned has read Mr. Sinclair's reply to the question and has no criticism to offer on it beyond a general agreement with its contents."

A.—I can give no general answer to this question.

Q. 4.—Where entries have been made in the survey papers assigning certain land for lopping branches for manure, or recording such a custom, and claims to rights have been founded on such entries, what has been the result?

A.—In the earlier settlements Messrs. Hamilton and Winchester and others considered themselves bound by some Government Resolutions to find that pasture and lopping, &c., were not rights but privileges, and they therefore found the lands to be held free of rights. I have always held that as a Judge I am not bound by any executive order of Government and have never taken such order into consideration in a decision in settlement. When I find an entry in a village register which comes under Section 32 of Act I of 1865, or Section 38 of the Bombay Land Revenue Code, I enter it as a right under the section which applies. In the report on the settlement of the Uran *mahál*, copies of the decisions which included cases of the kind mentioned were appended to the report and Government approved of them.

Q. 5.—Do your answers to the general questions[1] I to VIII apply to the Kolába District exclusively, or not?

A.—My answers apply exclusively to my own district.

Q. 6.—Do you consider any changes necessary in the present orders regarding forest matters in the Kolába District?

A.—I do not consider any important changes necessary, only codification of existing orders which are generally working well. I will send a copy of my letter No. 100 of 1st April last, in which I have made recommendations.[2]

Answers to questions put at the suggestion of the Secretary, Kolába Forest Association.

A. 1.—How many villages are there in the Panvel *táluka* which in respect of the forest area within their limits stand on the same level with the village of Ránsai? And in respect of these large forest villages are you prepared to clearly deny that there are one or more villages which "from their position and the circumstances of their cultivation" stand to the said large forest villages in the same relations in which the village of Vindhane stands to the large forest village of Ránsai?

A.—In respect of Vindhane and Ránsai, there was evidence in support of the decision that the Vindhane had rights in Ránsai. No similar evidence has come before me in any other case. The decision to the best of my recollection was made under Section 7 of the Forest Act.

Q. 2.—If, as you say, the distinction between forest and non-forest villages is almost as old as the existence of such villages, will you, please, state whether the boundaries of such villages are natural or artificial, and also whether there are any other distinctions which like this are natural and similarly guarded with jealous care?

A.—The boundaries of forest villages are generally natural ones, such as rivers and water-sheds.

Q. 3.—In your demarcation proposals for the Panvel and Alibág *tálukás* did you recommend any lands, previously taken for Reserved and Protected forests or notified as such in 1879, to be disforested on the ground that the inclusion of such lands would be very inconvenient to the people who principally depended upon them, though such lands on other grounds deserved to be retained for forest purposes? If so, will you, please, give the Commission some instances of this character from both the *tálukás*?

A.—All the woodlands recommended for disforestment were lands burdened with rights, which would have interfered with conservancy. Very few such lands have been disforested, either in Alibág or Panvel. Most of the land was disforested, because unfit for forest. The primary object of disforestment was not relief to the people. I hold that generally any relief necessary can be better given by concessions under forest rules than by disforestment. In Mahád, for instance, I am recommending the retention of a considerable area in Protected forest very largely in the interests of the people. If kept in forest they will get grass, loppings and pasture, &c., while, if excluded from forest, the land would sooner or later pass into private hands when such privileges would cease.

Further on this question Mr. Sinclair in his letter No. 259, dated 20th August 1886, to the address of the Chairman, states:—

"As there seems to have been some misapprehension as to the intention and effect of disforestments made or proposed, upon my recommendation in this district, I have the honour to offer the following remarks:—

Disforestments cannot well be made upon any fixed principle, but must follow the circumstances of the case.

They have been made here for various reasons:—

(*a*) Where the area in question was small and isolated though covered with trees. Such cases are rare; including very few teak woods. In the last *táluka* reported on (Mahád) only two.

---

1 The replies to general questions have been summarized and printed below (*vide* Summary, No. 14).

2 Mr. Keyser forwarded the copy with his Memorandum No. 3412, dated 20th August 1886, and it has been printed as Exhibit No. 23.

(*b*) Isolated temple groves. These seldom contain teak, and the cutting of timber in them for commercial purposes is highly repugnant to the feelings of the Hindus and forbidden by the Government of India. The village establishment, backed by the fear of the gods and of their worshippers, is enough to protect them and there is accordingly no reason why forest officers should be charged with that duty.

Where temple groves lie in a ring fence with other Government forest I have not thought it necessary to disforest them, but have always recorded the right of way and worship.

(*c*) Areas subject to rights of way or water or to right of pasture or lopping under Section 38, Bombay Land Revenue Code, 1879, to such an extent that efficient conservancy could not be carried out without interfering with these rights.

(*d*) Lands not subject to rights, but so much *required for* pasture, &c., that their management as forests would injure the agriculture of the country. A considerable part of the coast lands disforested in Alibág comes under this head. I have already directed the attention of the Commission to the flagrant falsehood of the evidence produced by the Kolába Forest Association about the extent of these lands in Akshi, Nágaon and Revdanda. A good deal more of similar land has been disforested on the coast north of Alibág for the same reason. Some salt marsh lands come under this head, others under the next.

(*e*) Lands subject to no rights but required for the extension of agriculture. This heading covers a small part of the disforested coast lands and the majority of the salt marshes still unreclaimed. It applies to but few uplands. In the northern *tálukás* occupied uplands are not much cultivated, as it usually pays better to work them as wood land, pasture, meadow or any two of these or all three together. In other places the uplands which have been gazetted as forest are only cultivable by hand in a manner which can be better regulated under the *dalhi* settlement than under the Survey Settlement.

(*f*) Occupied lands gazetted by mistake. I can *exclude* such lands from proposed Reserved forest by my own authority under Section 10, Indian Forest Act, 1878, but where they have been gazetted under Sections 28 and 34 a Government notification of disforestment is required. As there is little land available for exchanges and no money for cash purchases, &c., by agreement or under Act X of 1870, this class of disforestments and exclusions is rather a large one.

(*g*) Lands good for nothing at all to anybody which require but little remark.

"The Forest Department is clearly a gainer by the loss of all these lands except *(d)* and *(e)*

"The advantages gained by the public or individual private persons are security from the possible interference of forest officers with way, water, pasture, grass cutting and taking of earth and stones, lopping of brushwood for fencing or mannure *in case of closure only.*

"In the case of unclosed forests the present concessions to local villagers are so liberal that it signifies nothing really, to them whether land be an unclosed forest or a free pasture not afforested except that they are thrown into contact with the officials of the department which is not here, as yet, so well organized as could be wished. Up to the present it is certainly easier for a villager to deal, with the Land Revenue officials than with those of the forest. But it may fairly be hoped that this state of things will amend itself or be amended.

"Certain individuals will of course gain by the giving out of disforested land in Class *(e)* but they will not be numerous. There is not enough land of the sort in the district (Kolába) seriously to relieve the pressure of population on the soils; and the body of villagers certainly often suffer much more from the creation of an occupancy right in waste land than they would by its inclusion in forest.

"The reclamation of extensive salt marshes, indeed, usually give food and work to an extent which makes more than amends for the loss of their indifferent natural produce. But in many cases the bringing of upland under the only possible cultivation cannot do so; and where open Government uplands have been turned into private grass farms, as was largely done in Panvel at and since the Survey, it is certain that the local public and Government have suffered together, and the new occupant alone has gained.

"In such places I would not willingly create new occupancies and in farmed villages where disforestments must generally be followed by the entry of the land in the farmer's name, the retention of the forests is evidently necessary in the interest of every one else in the village. It is often as much called for in the interest of the hereditary farmers themselves when they have mortgaged their rights and made themselves mere serfs to their creditors, who are too often, I am sorry to say, mere sharks.

"It will be noticed that I have nowhere noticed the supply of cheap timber as an advantage resulting from disforestment. Exactly the reverse is the case. The supply of cheap timber depends on the retention and good management of such Government woodlands as can be profitably worked.

"When waste uplands are disforested, if they contain timber it is just as much the property of Government as it was before, and can only be obtained on such terms as Government prescribes, and Government can just as easily be liberal about a tree in one place as about a tree in another.

"As to occupied lands, cheap timber is certainly available in *them* to the occupant (unless they are mortgaged) but nobody else is any the better of that. For he neither can nor will dispose of it to his neighbours, who have none at any but the highest price obtainable. Now these neighbours who have none are nine-tenths of the population at least.

"Government, on the other hand, can and is willing to make some sacrifices in this direction, and it is to the *retention* of workable forests, and not to their disforestment, that we must look for relief in this matter.

"And I should be a very poor friend to the people of the Kolábá District, if I allowed it for an instant to be supposed that my operations were intended to make them a present of national property, or to supersede the only possible source of supply of forest produce to most of them, *viz.*, the working of the State forests by the officers trained to and charged with that duty."

Remarks by Mr. Sinclair on the Evidence recorded before the Forest Commission as to Kolába.

Witness No. 1.—Never made any of his present complaints to me when on the spot in May 1885 though he had ample opportunity and did actually make another complaint, verbally and in writing.

Do. No. 2.—Refers to a past state of farms of minor produce as present.

Do. No. 4.—Made no application to me for loppings nor for wood for *ute* platforms *i. e.*, those on which rice seed is laid to germinate before sowing in salt lands.

I do not consider wood required for these in most places. The teak leaves (which are required) can be laid on the *bándh* or embankment. No one ever asked me for wood for this purpose.

Do. No. 6.—I do not exactly see how my disforestments in Alibág could 'afford relief' from the witness' point of view as they were not of woodland.

Do. No. 7.—The area disforested on my recommendation in Revdanda, Nágáv and Akshi was 1,162 acres, 1 *guntha*, 8 *annas*, which is not about the same as 112. The total area of the coast lands in these three villages is 1,275-0-8 and not 400. But in 1882, 110 acres, 29 *gunthás*, 4 *annas* were disforested in Akshi and Nágáv. Notification No. 6383, 15th September 1882, and Nos. 2044 and 2044 A., of 12th March 1885, (Part I, page 311, *Bombay Government Gazette*).

Do. No. 8.—Refers to Pen not yet inspected.

Do. No. 9.—No person in Borgáv asked me for *dalhi* land. I should have given it if they had done so. Of course there are not 'Kátkaris in every village in the *táluka*'—probably not in one-tenth of the villages.

Do. No. 15.—Assuming the truth of the witness' statements as to the villages of Jholambe, Kopre and Bhátsai and that the two first have not forest of their own, they would have a reasonable claim on Bhátsai. These three villages are not yet demarcated.

The statement that people from a forest village like Shenvai go over a hill to Bhátsai to get loppings seems absurd.

Do. No. 16.—The statement that *ukshi*, *dháiti* and *karvand* shed their leaves before November is untrue, and it may be noticed that other witnesses class these bushes high as manure.

Do. No. 17.—Village not yet inspected.

Do. No. 18.—Separately reported on.

Do. No. 19.—Refers partly to villages which I have not seen, but his evidence generally agrees with my own observations.

Do. No. 20.—Ráhátád, Mángáv, copy of settlement decision appended (*vide* Exhibit No. 24). Tokarde forest.—The settlement decision is appended (*vide* Exhibit No. 25). I do not concur in these decisions so far as they refuse to recognize rights of pasture, &c., allotted at the Survey.

Sándoshi.—Settlement decision appended (*vide* Exhibit No. 26). The *jungle kharda* does not embody the settlement. The *sud* does.

Shirsád—Survey No. 191. I am not aware of any evidence that this was *dhára* and I am personally aware that the cattle are not prevented from grazing there, because I repeatedly saw cattle grazing there myself and

no complaint of their being hindered was made to me. (Copies of the settlement decisions are printed as Exhibit Nos. 27 and 28). This witness should be called upon to name the lands uncultivated for want of wheels.

Witness No. 21.—No application for *dalhi* land is recorded from Karambeli, *tarf* Taloje, which is probably the village referred to.

Do. No. 22.—This is a statement as to the misconduct of guards. The Divisional Forest Officer inquired into it, with what result I do not know. The *gurcharan* lands referred to *are* scanty, and there is no reason why the whole forest should be closed.

Do. No. 27.—The statement as to Ránsai is correct. The Koproli and Hárigrám referred to just below are not forest villages. The Koproli referred to as having no mangroves is a different place, and the statement as to the absence of mangroves is not altogether correct.

Witness No. 13.

Written replies by Mr. Keyser, Collector of Kolába to the questions forwarded to him by the Commission.

Subject.—Claims of the inhabitants of one village to resort to the forests of another village for firewood, rább, grass and grazing, wood for agricultural and building purposes and minor forest produce.

Q. 1.—Is there anything in the records which will show whether such a custom existed in former years, whether it was in any way recognized by Government or whether any disputes as to the exercise of the custom between rival villages ever came under official cognizance? Can you also point out when the distinction between forest and non-forest villages first arose and the reasons given in support of the distinction?

A.—There is nothing on my records, as far as I am aware, except in the exceptional case of Ránsai, which is the name of a demesne, rather than of a village. There are no habitations in it, except a few scattered groups of Thákurs' huts, and it was only natural that the adjacent villagers should have the user of its pasture and *rább*, and that this should be reserved to them, when the *sanad* was granted.

Q. 2.—Are you aware of instances in which the inhabitants of forest villages have protested against their forests being used by the inhabitants of *benádi* or non-forest villages?

A.—In all the villages I have visited, where there are complaints of want of *rább* the people have admitted that although formerly they had recourse to the hill lands of neighbouring villages the inhabitants of them object to their doing so.

Subject.—Inclusion in forest of shindád lands in which people had prior to the Survey either individually or in common a user of cutting táhál, &c.

Q. 3.—Some witnesses have stated before us that all the *varkas* lands including *shindád* lands in the *vahivát* of the people were not marked off at the time of the *varkas* survey, because such lands were selected for forest; that the officers announcing the settlement gave the people to understand that though such lands were not marked off, their *vahivát* would remain uninterfered with; that the Revenue Department more or less acted up to this till the time of the forest restrictions. Please state whether these statements are substantially correct and also place before the Commission if you can the Survey Commissioner's opinion on this point said to have been expressed in the vernacular correspondence referred to in Kolába Evidence statement No. 20.

A.—As far as I can gather wherever individual rights could be presumed to exist in *varkas* lands, the latter were entered in the names of individual occupants. Where the rights were communal, the lands were set apart as *gurcharan* or forest, with a note in the register stating the nature of the right—"Free grazing," "right of lopping trees," "taking *rább*, &c."

Q. 4.—Have any claims of private persons to fruit trees and other trees in unoccupied waste lands been admitted in the Kolába District? What record is made in the village records of such trees? If any of such waste lands are included in the forests, how have the claims to fruit trees been dealt with by the Forest Settlement Officer?

A.—I have come across no case in village records of rights recorded to forest trees in unoccupied waste lands[1]. These rights are however freely recognized by the authorities,

---

1 Since writing this I have come across such a record in the village of Varsode (*vide* notes on evidence, Witness No. 19, Kolába).

and in one case (in Madhali in Roha) I gave such rights to mango trees along the side of a road to the fort of Avchitgad, which there was evidence to show had been planted by a private individual in a forest number, on an appeal from the Forest Settlement Officer.

In another case the Forest Department surrendered a mango tree felled in a number gazetted as proposed reserved on the owner showing his right to its possession. As a rule the people enjoy the rights in these fruit trees unquestioned, and recognize among themselves individual rights. When a man wishes to fell one of these trees, it becomes a question for inquiry, and is decided on its merits.

Q. 5.—Please give figured statements of the demarcation work done in the several *tálukás* of your district (Kolába) in pursuance of Government Resolution No. 1106, dated 26th March 1864, and prior to the passing of the Forest Act, work done by the Survey officers, Assistant Collectors or special officers being shown separately. The figures of Imperial forests and village forests or first class reserves and second class reserves should be shown separately. It will be also useful for the Commission to know the principles on which the forest area was divided into two classes.

A.—This question has been answered fully by Mr. Sinclair (*vide* Mr. Sinclair's answer to this question at page 289).

Subject.—Trees in occupied lands—diposal of, under Ellis' rules.

Q. 6.—State briefly how far Ellis' rules regarding the disposal of reserved trees in occupied lands were enforced in your district (Kolába). In the case of Malang *vs.* the Collector of Thána (Special Appeal No. 267 of 1872) it was ruled that the occupant by purchasing the reserved trees in his number under Ellis' rules had purchased rights not to a specific number of trees but to *all* the trees in the number and that an erroneous estimate by the defendant's agents did not affect the right of the purchaser. What is the practice in your district with regard to such cases ?

A.—I can find no trace of any action under Ellis' rules. Major Francis, in introducing the survey, introduced, whether authorizedly or not, the joint rules, and in Roha he reserved certain fruit trees, which the occupants had the right of purchasing. The occupants of 45 villages bought altogether 727 trees, chiefly *phanas* (jack).

Subject.—Lopping of teak prohibited.

Q. 7.—Dr. Gibson appears to have allowed the people to take teak loppings for *ráb*: when was this practice stopped ? Is there any thing on record to show that pruning of teak by the cultivators injured the trees ?

A.—This question has been fully answered by Mr. Sinclair (*vide* Mr. Sinclair's answer to question 6 at page 289).

Q. 8.—Are the wild tribes prevented from removing *kárvi* for sale ? Would the concession help them materially and is it open to any objection ?

A.—This question has been answered by Messrs. Sinclair and Ryan (*vide* Mr. Sinclair's answer to question 7 at page 289 and Exhibit No. 29).

Q. 9.—Will you give full particulars of *dalhi* cultivation allowed in the Kolába district ? What area has been set apart and for how many families it is intended to provide cultivation ? Were any penalties enforced last year from the *dalhi* cultivators of Kamárle and other villages ? and, if so, please state the circumstances under which the penalties were levied.

A.—All the orders that can be found relating to *dalhi* cultivation are sent (*vide* Exhibit No. 30).

There appears to have been a free recognition of this cultivation by the hill tribes and permission is given more than once to cultivate any patch under 10 *pánds*, subsequently construed as half an acre, free. The first order attempting to regulate this cultivation was that of the Collector of Thána in 1856 (20th June), directing it should be limited to places, where there were no valuable trees, and that the people should rather be encouraged to cultivate rice instead, and in 1862 an order issued by the same authority based on the Secretary of State's instructions (of which copy is appended—*vide* Exhibit No. 31). Since little interference appears to have been exercised, except occasional prosecutions for mischief, when timber trees have been cut down. This year great depredations in the forests of Shihu by *dalhi* cultivation were brought to my notice. As District Magistrate I tried the chief offenders under sections 5 and 25 of the Forest Act, and sentenced them to short terms of imprisonment. I permitted the *khot* to remove the wood cut at market price, and he found nearly 300 candies cut, for which he paid 8 annas a candy. Others were prosecuted before Mr. Drew for similar offences and punished similarly. In some numbers *dalhi* is allowed under the survey register, but no where can it be permitted in the reckless way it is carried on in the Pen *táluka*, and especially in that portion of it, where (Kolába) Witness No. 9 was punished. I saw tracts of jungle, where every thing that could be easily hacked down with billhooks, was felled, and large standing trees burnt. He and his fellows were fined for cutting down trees, and I could see from the state of the forests on these hills that they had been recklessly destroyed.

Where Mr. Sinclair has demarcated he has, as he has explained, allotted *dalhi* plots for cultivation, and I ordered that the Kátkaris should be allowed to cultivate according to custom, pending demarcation. This year I directed that selected plots should be assigned them, and Mr. Drew, the Assistant Collector, and Mr. Stewart, the Divisional Forest Officer, tried to carry out the order.

Recently I had a petition from the inhabitants of a village in Pen, complaining of the destruction of the forest by the Kátkaris to the detriment of their grazing and future supply of wood.

Q. 10.—What articles of minor forest produce have hitherto been farmed? Please give the collections of the past five years on account of each of such articles or each such group as may have been farmed separately. Has there been any recent modification in the matter of these sales?

A.—This question has been answered by Mr. Ryan (*vide* Exhibit No. 29).

Q. 11.—Please give a full account of the agreements entered into by Dr. Gibson for the protection of teak or the forests in general in *khálsa* and *khoti* villages. How many of such leases are still in force? Can you place before the Commission any report or correspondence showing the effect of such an arrangement on forest conservancy, &c.? How have such leases been dealt with by the Forest Settlement Officer?

A.—This question has been answered in Mr. Hamilton's report No. 2, dated 3rd January 1883, to the address of the Collector of Kolába.

Subject.—Trees in Dhára Lands.

Q. 12.—Are not Government Resolutions Nos. 1240, dated 24th March 1868, and 2095, dated 27th May 1868, held applicable to *dhára* lands in the Kolába District? Are *varkas dháras* distinguished in this respect from the *kharif dháras*?

A.—This question has been fully answered by Mr. Sinclair. The Government Resolutions alluded to were ignored until recently, but they necessarily apply. There is no distinction between *varkas dhára*. The *varkas dhára* in the Southern Konkan is the chief source of the food supply of the people.

Q. 13.—Dunlop's proclamation is relied upon by the Association as giving the people right to trees *all* over the Southern Konkan except Tudil and Vinhere. Can you place any papers in the hands of the Commission which will show what the scope of the proclamation was intended to be? The Commission would specially like to see the whole correspondence of the time on the subject between Mr. Dunlop and Government, especially Mr. Dunlop's letter to Government, dated 18th October 1823, regarding an investigation into the depredations committed in the teak forests in the Suvarndurg *táluka*. If the correspondence be not forthcoming on the records of the Collector, it is requested the same may be obtained either from the Collector of Thána or Government.

A.—This question has been referred to the Collector of Ratnágiri (*vide* Exhibit No. 32).

Q. 14.—What class of labourers are chiefly employed on forest fellings? Is it ever necessary to import labour from other districts for this purpose? If so, can you explain why this should be necessary?

A.—This question has been answered by Mr. Ryan (*vide* Exhibit No. 33).

Q. 15.—Please give the area and assessment of the numbers alluded to in statement of Kolába Witness No. 10, if they can be identified. Were these numbers amongst those that were given at the survey on lower assessment (*kamdari*) to Thákurs and Gavlis, the right to trees being reserved?

A.—Answered (*vide* Notes on Evidence, Kolába Witness No. 10, at page 304).

Subject.—Exploitation of forests.

Q. 16.—Is there any ground for the implied charge that more is being taken from the Kolába forests than it can legitimately yield?

A.—I agree with Mr. Sinclair (*vide* Mr. Sinclair's answer to the Commission's question 14 at page 291).

Answers to questions put at the suggestion of the Secretary, Kolába Forest Association.

Q. 1.—It has been stated that the Survey officers having had no time to demarcate Imperial and village forests left large wooded numbers with an entry *rán rakshan gurcharan*, &c., intending that such numbers should be dealt with on the occasion of subsequent forest demarcation. Do you consider that the requirements of that intention were completely satisfied immediately after the first demarcation had taken place, firstly, so far as all such numbers in a *táluka*, and, secondly, in a village, are concerned? If not, will you please state your reasons for holding such a view?

A.—I have nowhere seen anything recorded to show the Survey officers' intentions were such as described, and I cannot infer them from other sources. I do not see how the

intention of a Superintendent of Survey is to be interpreted by others, unless it is recorded in the form of an official proposal, and receives the sanction of Government, nor that it has any binding force.

Q. 2.—Do you consider it consistent or inconsistent with the general obligations incurred by Government as the result of the original demarcation that lands then set apart as village forests should be appropriated for purposes of State forests under the Forest Act of 1878?

A.—I cannot recall any instances, and it is difficult to reply to any such abstract question. As long as no rights are resumed the change in the nomenclature of a village forest, or of the department by which it is to be managed, seems immaterial.

Q. 3.—Mr. Winchester says in answer to question 12 of the circular questions:—"I know nothing about Thána, but in Kolába, which was formerly part of Thána, it was certainly so. In many cases I have found several villages resorting to the forest land of one only for *ráb*, &c., the arrangement being acquiesced in by all concerned as the only natural and possible one. There is no reason why such an arrangement should not be continued, and no particular regulations seem necessary, for a group of villages with forest in one village only can easily be regarded and dealt with as one large village with a forest in a somewhat remote corner of it." Assuming that such an arrangement is "acquiesced in by all concerned as *the only natural and possible one*," do you see any objection whatever to its being recognized in practice beyond that the State will lose the revenue which any effective interference with it may bring to the Department?

A.—I think the assumption incorrect, but its recognition would prevent the co-operation of forest villages in conservancy, and it will be impossible to place any limit on the denudation of forests were it recognized.

Notes on Kolába Evidence by Mr. Keyser, Collector of Kolába.

Witness No. 1, Pándu Bábáji of Belkade.—I went to this village. The people met me but made no complaints of insufficiency of *táhál*. They said they used to get it formerly from Dhavar, but the people of that village objected now to their taking it. They have a large *gurcharan* number in the village, on which very little in the way of bushes fit for *ráb* is now growing.

As regards decrease in the number of cattle, I give the numbers from the village returns:—

Year.	Bullocks.	Cows.	Bull Buffaloes.	Cow Buffaloes.	Total.
1876-77 ...	53	21	18	33	125
1877-78 ...	51	20	11	26	108
1878-79 ...	63	20	18	21	122
1879-80 ...	65	24	16	18	123
1880-81 ...	65	24	16	18	123
1881-82 ...	59	31	18	25	133
1882-83 ...	61	23	20	24	128
1883-84 ...	63	26	17	22	128
1884-85 ...	51	24	8	16	99
1885-86 ...	51	30	15	20	116

As during the last two years restrictions have been relaxed, the temporary decrease cannot be due to the severity of the forest administration, and it will be seen the numbers have really fluctuated very little. They vary at different periods of the year in a village, or from temporary causes such as epidemics of cattle-disease; and also depend upon the time when the census is taken as a custom is reported of hiring cattle for the busy months.

Another matter for general comment is a statement by some witnesses (Nos. 1, 6, 16, 19, 20 and 27) that *areas* have been closed to grazing. Any such closures are unauthorized, and have been discontinued, when brought to my notice. As regards forbidding lopping, and taking *ráb* materials in the southern *tálukás*, Mr. Sinclair raised the subject, when demarcating the Mahád *táluka*; I have addressed Government on it, and issued an *ad interim* order (of which copy is appended—*vide* Exhibit No. 34) to the Divisional Forest Officer. I am inclined to think Mr. Hamilton in error in denying the rights guaranteed by the Survey on the score that they are privileges, and no interference will be made with the exercise of these rights pending receipt of Government orders.

Mr. Sinclair has corrected the misstatement made by Witness No. 7 as to the amount of grazing left in Revdanda, Akshi, Nágoan, &c., villages on the coast. I know the ground well, and can certify from personal observation and knowledge that the area taken up for planting is so small a portion of the whole, and the space so superabundant, that grazing facilities are not affected in any noticeable manner by the enclosure.

As regards the Kátkaris' cases, I have called for some of the records. They have been deservedly punished for wanton mischief to timber trees, and I do not suppose the Forest Commission wishes to constitute itself a Court of Revision on Magisterial proceedings. I called for the case alluded to by Witness No. 10, the theft of *samidhás*. A forest offence was certainly committed as the wood was cut from ten trees. The punishment was perhaps severe, but no appeal was made.

The case alluded to by Witness No. 14 was one in which certain Dhangars voluntarily compounded a case under Section 67 of the Forest Act.

I may state once for all that I have carefully scrutinized all Magisterial returns, recording convictions in forest cases, and that I do not think the sentences have generally erred on the side of severity. The Forest Department too has been rather too slack than too eager in undertaking prosecutions. At one time there was a tendency to abuse the power granted in section 67 to compound cases by turning it into an engine for exacting fines, but Colonel Peyton put a stop to it directly it was brought to his notice.

Witness No. 10.—The area of the land owned by the Thákur woman in Jirne is 344 acres and 39 *gunthás*, and the assessment Rs. 21-9-0. The Agris' number—140 acres—is assessed at Rs. 17-12-0. They are entered as *jiráyat*, and are numbered 88 and 2 respectively. The former sold last year her teak trees only for Rs. 700 to Lakshman Náráyan Bhágvat but the trees have not been felled nor would the felling be allowed. The Agri (Hari Has) sold his whole estate, trees included, for Rs. 1,600 to Bajába Agarkar. Both purchasers are Bráhmans, and live at Pen. The payment in the latter case is deferred under agreement until permission has been obtained from Government to fell the trees.

Witness No. 12.—The land (No. 15 in Vajroli Nágothna) referred to is *kamdari*, was given to the Gavlis for grazing only, the assessment being a commuted grazing tax. It has been ruled by the Settlement Officer that the rights in the number are limited to grazing. The holder has been recently fined for felling trees in the number, and the punishment upheld on appeal. The view that land of this nature is forest land has the support of the Legal Remembrancer (No. 80 of 15th January 1883 embodied in Government Resolution No. 904 of 2nd February 1883).

Witness No. 13.—The demand for repayment of trees left is purely due to a misinterpretation of the original contract by the Divisional Forest Officer. His mistake has been pointed out to him.

Witness No. 16.—Mr. Aaron Samuel's statement that he has "brought to the notice of all officers, high and low," that the people have to square the forest guards is not correct if I am included in the number. The statement has been made to me once in private conversation by another *khot*, but never by Mr. Aaron.

The numbers partly closed in Khámb were numbers 108 and 114, that is, the portions in which fellings were going on. The witness is correct in saying annual fellings have been made. These are both registered as forest numbers without any reservation of rights of grazing or *rán*, and the closure was therefore authorized.

Witness No. 22, Arjun bin Gan Pátil.—The statement as to the bribing the forest guard has been enquired into by the Divisional Forest Officer. From his report the charge cannot be substantiated, and there is a great balance of probability that it is false.

Witness No. 19, Pándurang Lakshman Dándekar.—Hirnák Mhár denies that he was ever prosecuted, or fined for cutting trees. It is true that five are registered in his name, (the only case I have come across of registration of rights of individuals to trees in *gáyarán* numbers) in a note in the Survey register. His brother cut down one about fifteen years ago; after an enquiry it was found the tree was his and given him; no one was fined.

Witness No. 8.—The facts may be as stated in the deposition. The accused forest guard is temporarily absent from the district. An enquiry will be held. No complaint was ever made on the subject.

Witness No. 20.—I now come to Mr. Vithal Mahadev Dhámankar's evidence, and almost at once I come on a statement sufficient to discredit him completely as a witness.

I enclose details of a waste garden land in the *táluka* of Alibág (*vide* Exhibit No. 35) It will be seen there is not an acre out of cultivation in Chaul, and there is only a total of 29 acres in the whole *táluka*. The only land recently thrown up is in Khár Milkat (1880-81) where the salt water had destroyed it, and one garden sold in default of revenue in 1864-65.

As to his statement made from personal observation that in Nágaon and Akshi fifty per cent. of garden cultivation has been given up for want of wood to make Persian wheels; a ride through these villages will show how little his powers of observation, or his memory is to be trusted. I was told in Nágaon recently that much garden land was not cultivated, or rather that many wells were allowed to fall into disuse for this reason, but I do not believe that the want of wood can be more than a minor cause among many. The

quantity of wood required is not large, and even had it to be purchased in the Bombay market, its cost would scarcely furnish an appreciable item in the expenses of garden cultivation.

The truth is that the present A'bkári system, under which the number of trees tapped annually has been reduced from 13,900 to 3,000, has made gardening less profitable than formerly and it is probable for this reason many wells have fallen into disuse.

I send a copy of my decision in the Kolhvan case (right of pruning teak—*vide* Exhibit No. 36).

I declined to give a copy of papers applied for as they are portions of departmental correspondence only. (*Vide* page 209).

The only forest number in Sándoshi is No. 108, and the note to this in the register is only "Government forest" (*Sarkárche rán*).

It is true that the survey No. 191 in Sirsád is set apart for free grazing and forest. The *mámlatdár* reports that it has been closed to grazing by the Range Forest Officer, who can produce no written authority. The Divisional Forest Officer has been ordered to report on the matter, and to throw the number open to grazing.

No complaint on the subject has ever been made to this office.

The appeal (*vide* page 211) was rejected because the grounds on which it was urged were not admissible, even if the facts stated were all true. The appeal was therefore simply not accepted and the appellant informed (copy of the reply is appended—*vide* Exhibit No. 37).

I would close this by saying that while it is impossible to guard against all abuses of power by subordinates, I have conscientiously endeavoured to prevent it in forest matters ever since I have been here, and that no petition on forest matters has ever been made to me, which has not received prompt attention. But such petitions have been very few and have chiefly had reference to shares in forest fellings, and such minor matters.

Complaints of restrictions on grazing have been very rare in fact, I only recollect one instance, and then there was no real grievance.

I think the only real matters that require consideration are the supply of wood for local consumption on easy terms, some extension of the *ráb* privileges, especially for non-forest villages, and the supply of thorns for fencing at cheaper rates than that now charged.

The district has been demarcated so as to leave out of forest all lands in the immediate vicinity of villages, or otherwise so charged with communal rights as to be valueless to the department, and only such lands have been reserved as promise to repay conservation. In the three southern *tálukás*, where the *khoti* system prevails, the proportion of the forest area is small as Government had no power to set apart more than a limited area. In the Mahád *táluka*, it is only a tenth of the whole, and any forest grievances there, are either imaginary or insignificant.

The proportion is larger in Mángaon and Roha, but I could not ascertain that the people had any thing to complain of in either during my last tour.

I enclose a paper (*vide* Exhibit No. 23) by Mr. Sinclair showing what rights he proposes to allow, and would express my general concurrence with his proposals.

When I say I have paid attention to all complaints in forest matters, I do not wish to assume credit, which is really the Conservator's. No representation has ever been made to Colonel Peyton, which has not received attention, and I am not overstating the case when I say that no action of any officer of his department, taken with his sanction or approval, can form the ground for any legitimate complaint, or has caused any cultivator hardship in this district (Kolába).

No. 14.

Summary of Replies to the General Questions by the Officers examined by the Commission.

Question I.

Subject.—Measures to prevent reckless destruction of trees in occupied lands.

Judging from the evidence already recorded, there seems a consensus of opinion amongst the more influential witnesses called by the Thána Forest Association that restrictions should be placed on the *sale* of unreserved trees in occupied lands to minimise improvident destruction of material necessary for agriculture, while at the same time occupants should have full liberty without being obliged to obtain permission to cut trees standing on their lands, whenever required for *bonâ fide* domestic and agricultural use. It is fully admitted that the absence of any such restrictions on *sale*, except in the *tálukás* coming under the Kolvan and Dahánu settlements, has hitherto greatly encouraged reckless destruction of tree-growth on occupied lands for trade purposes in all parts of the Konkan whence forest produce can be profitably exported. It may also be expected that any further measures taken by Government to rid themselves of the proprietary rights over trees still reserved in occupied lands, will, for some years to come, give an additional and undesirable impetus to this trade, with the result that the agricultural population will become more and more dependent on the State forests for the supply of wood for domestic and field work. Where the Kolvan and Dahánu settlements are in force the remedy is already at hand, as, under the rules giving effect to those settlements, trade in the forest produce of occupied lands can be, and is, effectually controlled. But the problem is how the necessary control over such trade can best be secured in lands where none but the royalty trees have been reserved at the Survey Settlements, and where occupants have consequently acquired full proprietary rights over all other trees.

There are apparently three ways by which such control could be secured. First by summary resumption of the rights in trees parted with at the Survey Settlements, and redisposal to occupants under conditions precluding sale without permission. This step would of course necessitate special legislation. If the proprietary right in the trees could thus once more be vested in the State, reckless destruction could be checked by rules under Section 75 of the Forest Act as in the case of the lands coming under the Kolvan and Dahánu Settlements. Such a measure might at first sight have the appearance of arbitrary confiscation. But if it were clearly declared and understood that the restrictions which would ensue from this act were imposed solely in the interest of the cultivating classes themselves and that no advantage whatever would be taken of the reservations for revenue purposes and that people would be allowed full and free use of the trees for all legitimate requirements other than trade, it is possible that such a measure would be cheerfully acquiesced in by the majority of *bonâ fide* cultivators. Or it might be possible without formally resuming the proprietary rights in trees given up at the Survey to prevent reckless cutting by making it penal to cut any trees in occupied lands for sale or profit without obtaining previous permission from the local authorities.

Secondly the sale of trees from occupied lands for trade purposes might indirectly be stopped by prohibiting the export either from the district, the *táluka* or village, or levying prohibitive duties on the export of certain kinds of forest produce cut from occupied lands without the previous permission of the local authorities. The granting of such permission to export would depend in each case on whether the felling would affect the supply of the cultivator for domestic and agricultural purposes unfavourably or not. Under these circumstances people would ordinarily be careful to obtain permission to export before felling, as otherwise they would run the risk of being refused such permission. This step would also necessitate legislation, as under the existing law (Section 39 (*a*) of Act VII. of 1878) duty can only be levied on timber in respect of which Government has rights. It might be necessary at the same time either to amend Section 41 of the Forest Act, so as to include all tree produce whether derived from forests or occupied lands, or to alter the definition of 'forest produce' in Section 2.

Thirdly occupants might possibly be induced to give an undertaking not to sell trees on consideration of a reduction or remission of assessment on *varkas* land held for other purposes than cultivation. A suggestion to this effect has been made by Mr. Atkins in his answer to question 41 of the printed questions circulated by the Commission. He proposes at the Revision Survey to "divide *varkas* numbers into (1) numbers for cultivation, (2) *shindádi* lands, and to assess the former at a high rate of (say) 8 annas per acre, and reduce the assessment of the latter (except valuable grass lands, of which the grass can conveniently be exported to Bombay) to a nominal sum of (say) one anna per acre." He would "treat as *shindádi* lands all *varkas* numbers of which the owners agree that they will not use them for cultivation, will not sell the trees they contain without permission, and will not lop the leading shoots of those trees for *ráb*."

Q I.—You are requested to give your earnest consideration to the subject above alluded to and to favour the Commission with your opinion as to the practicability of carrying out any of the measures suggested. In discussing the question, please, also state your opinion whether in the case of restrictions on sales without permission being imposed any

distinction should be made between trees in *varkas* lands and trees in garden and rice lands.

Answers.

Mr. Loch :—"Of the three courses proposed in the question, the first, *viz.*, the resumption of the rights in trees parted with at the Survey, would attain the desired object most thoroughly. It would be a strong measure, one which might be approved of by a few of the more intelligent land-holders, but which would, I think, be opposed by the mass of the ordinary cultivators, who are not awake to the mischief already done. Still the object in view is so important that I am inclined to advocate the adoption of the measure, and if its introduction were coupled with the liberal *ráb* arrangements proposed in question IV, and the gift or sale on easy terms of teak and *tivas* proposed in question II, it might be more palatable to the cultivators generally. It must be remembered however that it would seriously reduce the money value of *varkas* holdings, especially where the land-holders had preserved their trees, as these trees would no longer be saleable."

"The remedy suggested in the second proposal would be less thorough, and the necessity for enquiries into the intentions of the cultivator is a weak point in the scheme. These enquiries mean delay and some annoyance to the cultivator, and much extra work to the Revenue Department."

"If the first proposal is considered impracticable, the third scheme might be tried, but I doubt its having more than a partial success. Men who had swept their land clear of trees would probably accept the terms offered and have their land assessed at *shindád* rates and under the restrictions which it is proposed to impose, there would in time be some improvement in the amount of vegetation on the land, but I doubt if the holders of fairly well wooded *varkas* numbers would agree to the terms. The difference between an assessment of 1 anna and of 8 annas an acre would not be enough to make up for the loss of the money value of the timber."

"I would leave full rights over trees in garden and rice lands to the occupants. I have not noticed any tendency on the part of the holders of garden land to cut down their trees recklessly. The number of trees in rice lands is not large and it is not desirable that they should increase, as much shade is bad for rice."

Mr. Mackenzie :—"The first course proposed is so opposed to all survey theory and tradition, that it would provoke a storm of opposition not only in Thána, but throughout the Presidency, as no man would feel sure that what had been done in one district might not be done in all. The resumption by Government of the rights to trees in occupied lands would be such a breach of Survey guarantees that it would be impossible to put any faith in existing or future guarantees. No declaration that the restrictions imposed under the new Act, which would be necessary, were for the benefit of the rayat, would persuade people in other districts that their rights in trees declared by the Survey to be theirs, would be respected in future, if the State should hereafter decide to confiscate those declared rights. The second remedy proposed in the same paragraph, *viz.*, to make it penal to cut any trees in occupied lands for sale or profit without previously obtaining the permission of the local authorities, would have, it seems to me, precisely the same result. To make it penal to exercise a right guaranteed by the Survey Act and the Land Revenue Code is to withdraw and confiscate that right."

"Course No. 2 would, as suggested, require amendment of Section 41 of the Forest Act, but the Government of India in 1884 refused, at the suggestion of this Government, to amend this very section, and on consideration of that refusal and the reasons assigned, the Bombay Government agreed with the Supreme Government in thinking that amendment was not required, and that the proper course was for the forest officials carefully to watch and guard the forests in their charge, rather than to hamper trade in the manner proposed. It is most improbable that the Government of India would depart from their expressed opinions, unless the Forest Commission can make out an unimpeachable case in favour of the necessity of the amendment. Even if the law were altered, the enquiries necessary before permission could be given by the local authorities, would be very troublesome to those authorities, and annoying to the cultivators."

"Course No. 3 seems to me the most practicable and would, I think, be accepted willingly in many if not in all cases."

"In the event of restrictions on sales without permission being imposed, I think such restrictions should be on sales in *varkas* lands only. The owners of rice and garden lands do not recklessly destroy the trees thereon, and they usually have more value to the owners and occupants by reason of the profits from the fruit of the trees than they would have by sale as timber."

Mr. Shuttleworth :—"I do not think the suggested plan No. 1 could be introduced. It is a recognised law that an unconditional grant once made cannot be resumed save with the consent of the grantee, and I venture to think that no Government would entertain any such proposal as the confiscation by a law to be made for the purpose of trees which are the property of survey occupants : and even if a law were to be passed to this effect, the payment of compensation, which would in the case of the Thána Collectorate involve very large expendi-

ture, be necessitated. Moreover, it would be a work of great difficulty to assess the compensation to be paid, and the proceeding would land Government in many civil suits. For the compensation to take the form of extended privileges *in* the forests would be a most objectionable proceeding. Privileges would grow into rights, and would expand and extend with years. If the compensatory privileges are made *on* the forest, carrying with them no permission to cut and appropriate, the question would be one for the Financial Department to determine; it would, however, be necessary to define very clearly the nature and extent of the privileges, and what amount of the public revenue is to be given. As a rule in a country like the Thána Collectorate the disafforesting of the plains should be encouraged, but the cutting away of trees upon the slopes more particularly when they are steep should be strictly prohibited. Even if it were to be clearly declared and understood that the trees would be restored to their proprietors at once subject to a condition that they could not be sold by them, but could be felled and appropriated freely to supply their own economic requirements, but under permission to be obtained previously from Government officers or other authority, the majority of the survey occupants with trees upon their holdings would, I feel sure, notwithstanding any opinion which may be held by the Thána Forest Association to the contrary, object most strongly to dispossess themselves of the right they at present hold of disposing of their timber in any way that may please them, and to submit to any restriction of their existing right. It is possible that occupants who have cut down or sold their trees will be ready to relinquish their squandered right for a money compensation or for extended privileges of Government timber, &c. As the trees standing on occupied survey numbers where the right to them has been given up by Government now belong to the people and are private property, I do not think that in equity and good conscience a law could be passed making it penal to cut any such trees for sale or profit, without obtaining previous permission from the local authorities, unless in some way or the other the dispossessed are compensated for their immediate loss; it would be impossible to convince the people that the measure was dictated for their ultimate good. Even with a law to this effect it would, I think, be found difficult in practice to enforce the prohibition."

"The prohibition to export timber (plan No. 2), the property of the people, could not I think, be ordered, for it would be a serious encroachment upon vested rights which no law court would tolerate. If the trees had been handed over to the people conditionally, no doubt a prohibition might be directed. But as no condition was imposed when the trees were given up, no prohibition could, I venture to believe, be imposed. I doubt whether Government would assent to modify the law so as to fix a duty upon the export of timber; it would be an obstruction of free trade to do so, and it would depreciate the value of private forest property; and further I am of opinion that even if an export duty were to be established for *málki* number timber only it would be evaded right and left. Timber purchased from the Government forests, and timber exploited from *inám* forests would not be subjected to this export fee, and consequently timber from off occupied lands would be largely smuggled out of the district under cover of free timber. When logs once enter a village and are cut up or fashioned they lose their identity, and the timber from *málki* lands could be sent out of the district as firewood, or in several other shapes, in defiance of any export duty, while at the same time bribery would be at work in all directions."

"The third plan I consider to be utterly impracticable. The assessment governing *varkas* lands is at present very low, and any proposition, such as Mr. Atkins has suggested, in answer to question 41 of the circular questions, if made, would be viewed with considerable distrust, and would meet with no satisfactory response."

"Greed and improvidence, a demand for money combined with the certain knowledge that the people could depend upon the sympathies of Government officers for the obtainment of all their wants in forest produce, free of charge, from public estates, despite the very liberal gifts of valuable timber property which have been made to them have conduced to the destruction of trees upon occupied lands, and no action of Government, save the dispossession by them of their own rights in favour of the people, *and concessions of exaggerated privileges of cutting and appropriation of public tree property,* has conduced to the destruction of trees upon occupied survey numbers. The Ratnágiri Collectorate is a miserable spectacle of the result of giving over to the people, without reservation, the trees upon their lands, under the supposition that being owners and disposers of the timber, self-interest would dictate the preservation and maintenance of the tree-growth. In 1824, Mr. Dunlop issued on behalf of Government a proclamation in the *zilla* of the Southern Konkan to the following effect:— Formerly the Government had the right to take teak, *sissoo* and good timber which may have been on any one's ground, in consequence of which the people did not take trouble to produce such trees. This having come to the notice of Government, and considering that if teak, *sissoo* and other kinds of good timber are produced in the country, it will be advantageous to all, Government give up their rights to all trees. People may do as they please with the trees they now have and may produce hereafter. Government will not cause the slightest obstruction. And one of the ablest of the many Revenue officers of Government who have served on this side of India, a gentlemen who has had a long and intimate personal knowledge of the country of the Ratnágiri Collectorate, has reported, 54 years afterwards, the consequences of this experiment at local self-government in the matter of trees in the following words:—'The southern banks of the Shástri river and of its great tributary

the Bhow were, until Mr. Dunlop's proclamation, clothed with fine forest, mostly teak, much of it even of large size. Dr. Gibson, the father of Western India forestry, described these localities as peculiarly adapted for the growth of fine teak, yet when he last visited Jayagad somewhere about 1857, to his great grief he found bare slopes and all the timber gone. This was distinctly the result of the Dunlop proclamation. Right or wrong, the *khots* and *dhárekaris* along that river proceeded to sell the standing timber, teak and all, as fast as they could. On the spot at the time were several enterprising Mahomedans possessed of some means, and they set to work to build native shipping of the largest size for the Malabár coast trade. When I first knew this district, 20 years ago, several of these ship-owners were still flourishing. One of them had no less than 31 *shibáds* (the largest native craft), ranging from 1,100 candies (nearly 300 tons) burthen, built on the Shástri. He told me all the timber came from the river bank. Thus has this true home of teak been utterly despoiled. . . . The Váshisti river rises at the foot of the Syhádri hill fort, Vásota, and until it reaches Govalkoli, below Chiplun, it flows through a very precipitous country, where the sides of the hill-slopes have been almost completely denuded of forest. In this vicinity there is absolutely no Government forest, and no private reserve. The result is that the Váshisti has silted up and become impassable for large craft above Dive, which is four miles from Govalkoli, to which place the largest vessels plied in former days. The Shástri affords a stronger illustration. The largest native vessels could within the past 30 years ply up to the very quay at Sangameshvar, which town is now left high and dry, six miles from the nearest navigable point. * * In like manner the Muchkundi and Rájápur and Vijayádurg rivers, which take their rise in or on the borders of the Kolhápur State, have silted up for miles below the once large ports of Rájápur and Kharepátan, mainly, it is believed, because of the destruction of all forest on the slopes of the Syhádris where they rise.' It is very easy for people to say, as some of the native witnesses have done before the Commission, that the destruction of trees upon *málki* lands in the Thána Collectorate, which is now progressing at an alarming pace, is due to a feeling of insecurity in respect of their rights over these trees by the people, who apprehend that Government may at the Revision Survey deprive them of their timber property. But experience has shown that it requires no such apprehension to induce and to accelerate destruction of trees and the denudation of the *varkas* lands."

"I would not advocate the application of any remedies which are suggested in the question to which I am replying. Government has given the unreserved trees to the people unconditionally and the evil has been done; but I cannot recommend that they should follow up their grant by action which would engender a feeling of insecurity as to rights, and which would not, at the same time, in my opinion, stop destruction; where the trees have been given away there should be as little interference as possible. Our policy should be 'The State forests for the Forest Department, who are trustees of the public' and 'the *málki* number timber which has been given away unconditionally for the survey occupants the Forest Department to keep their hands off.' But no more trees should be given unconditionally."

"The measures I would recommend are—(*a*) That the rules under Section 41 of the Forest Act be made applicable to timber from *málki* lands, the fact that the removal of every tree will require a pass will itself act as a check against cutting; (*b*) that the public forest estates be closed entirely and most rigidly against concessions of the axe privileges of appropriation free of charge, or upon specially favourable terms. When the people of the Thána district realise that like people in other collectorates in other parts of the Northern Circle, they will have to purchase the timber and other forest produce which they may desire to obtain from the State forests, they will very soon commence to protect the trees upon their *málki* lands and will leave off selling for a mere song as they are doing now, in many cases for less than the value of three or four years' realizations of the produce of the trees, the fine old timber standing on their fields. It is by pampering the people, by letting them see that they can fall back upon the forests for the supplies of timber and other forest produce which they may demand *after* their *málki* numbers have become exhausted, and even while their *málki* numbers are being cleared by the timber dealer, that inducement to sell the unreserved trees upon their *málki* lands is given and kept alive. The people are plainly told 'sell your trees and make money out of them while you can, for the Government forests are open to you, and you can obtain what you want from them free of charge, what advantage then is it to you to preserve and plant trees upon your survey holdings.' Although I am opposed to any limitation of a gift which has been freely made, and although I take exception to an export duty as being the most objectionable form in which the imposition of a very desirable check can be attempted, and objecting entirely to a prohibitive tax upon timber coming from one source, *málki* survey numbers only, and to an export duty confined to *málki* number timber only, still I am not prepared to say that an export duty upon *all* timber including firewood and bamboos taken out of the Thána Collectorate would be an unmixed evil. It might stimulate the local trade in timber, it might promote the cultivation and preservation of timber upon private lands to meet increased demands on the trade, and the collected duty might be assigned for the formation and maintenance of a fund wherewith to purchase timber, &c., for supply to agriculturists and such of the poorer classes, to whom the Revenue officers may consider it desirable that timber, &c., should be provided; for example, to individuals when houses are burnt down, when ploughs require to be replaced, and when charity for other reasons requires to be dispensed and can most fittingly be dispensed in the form of timber and other forest produce. But as I have said before, the

key of the situation is in the hands of Government, and it remains for the Commission to recommend that it be applied. Shut the public forests of Thána against individuals and communities in the same way as the forests are shut elsewhere, throw the people back upon their own resources, upon those wooded lands which Government so generously gave to them for the supply of their own wants, and give private enterprise for meeting local demands for timber, &c., a fair field. And I venture to believe that the result will be not only the cessation of reckless destruction of trees on occupied lands, but the formation of private woods and forests. I have seen woods grown and preserved by the people when they have learnt the lesson that timber, firewood, and *ráb* material can only be obtained by putting their hands into their own pockets, and that they cannot prey upon public forest estates."

"I would, however, mention as bearing upon this question that the Government of France, possibly the most enlightened in the whole world in matters of forest legislation, extend their regulations to the forests of all private proprietors, being convinced of the truth that private interests are often in opposition to the general well being of the country. In 1791, however, the legislature, urged by the importunities of landed proprietors, reconsidered the forest legislation framed under Louis XIV in 1669 (ordinance of 1669) and it was decreed that henceforth every citizen should have absolute liberty to cut down his own forests, under the impression that every proprietor was the best judge of the kind of culture which suited his circumstances and that a man's own interest would be his best guide."

"Experience, however, that touchstone of all human enterprises, proved that the legislature was wrong. The hope of increasing their income hurried many proprietors into cutting down their woods without consulting the nature of the ground, and the forests on the slopes of the mountains did not escape the legalised devastation; most of them were cruelly punished for their improvidence. The light layer of earth which covered the ground was carried away by winds and rains, and they saw their property, otherwise productive, struck all of a sudden into eternal barrenness. Prohibitions were again introduced in April 1803 and are those still in force, and they are found to be for the interests of all, even of those upon whom they are imposed."

"In 1827 the Forest Commissioners of France addressing the Chamber of Peers thus expressed themselves:—

> The denudation of the hills excites everywhere universal complaints. Their sterility, by the carrying away of the vegetable earth which was retained by the trees, the diminution of springs, the augmentation of superficial water, the formation of torrents which overwhelm properties situate below those elevated places, these are the consequences of the wood cuttings made there and it will be against these denudations that the administration will arm itself with severity."

"How much more reason is there in a tropical country to take effective measures for the prevention of the denudation of hill-slopes. Forest legislation should rest upon a broader and general basis than the present and often short-sighted convenience of an ignorant peasantry and that along with public convenience must be united the interests of posterity *and the conservation of those climatal influences on which agriculture depends.*"

Ráv Bahádur K. M. Thatte:—"The summary resumption of rights in trees parted with at the Survey Settlement has undoubtedly an appearance of a very unwarranted confiscation, and hence an unpopular measure, and it is extremely doubtful whether Government would consent to legislate on the subject unmoved. It is a great pity that the whole of the Thána District was not originally settled by the Survey Settlement Department on the principles of the Kolvan and Dahánu settlements. However, as the so-called confiscation is not to be in the interests of the State, and as it is to be solely in the interests of the occupants themselves, I see no reason why attempts should not be made to get the rayats of Thána or their intelligent leaders to move Government for such a legislation, as they have everything to gain and nothing to lose by such a measure. They have in most instances pretty nearly denuded their *varkas* occupancy lands, and have become or will soon become greatly dependent on State forests for forest produce necessary for their agriculture or other purposes. Under such circumstances it will be to the interest of the people to voluntarily place themselves under the restrictions proposed as regards the sale of forest produce growing on their own *varkas* lands, more especially because by doing so they will establish reasonable claim to have their own independent resources for agricultural needs supplemented to the needful extent by the State from its forests."

"Ordinarily speaking the rayats of the Thána District have become so very suspicious about the forest policy of late that the proposed summary resumption of their rights in trees on their *varkas* lands will meet with the strongest opposition, and can be said to be out of question so far. But if the measure be brought about as a sort of compromise between the Government and the rayat, it may have a considerable chance of success, and in such a case no change in the legislation is even necessary."

"The arrangement proposed as regards the prohibition of export of certain specified forest produce from occupied lands without the previous permission of the local authorities is one which, in my humble opinion, is likely to fulfil all the requirements of the

case. This also will require fresh legislation, but as the arrangement does not interfere with the sense of property, the occupants feel to have acquired under the guarantee of the Survey Settlement, no opposition whatever need be apprehended on their part to such an action."

"The third proposal as regards the enhancement of the assessment on cultivated *varkas* lands will go unnecessarily hard against the poor cultivators, as they grow coarse grain on such lands for their own household consumption. Again, it must be borne in mind that *varkas* lands do not yield these crops every year. It is required to be left fallow for some years, and to pay high assessment for lands so left fallow will undoubtedly be an unbearable burden to the cultivator. On the other hand, if the present rates of assessment on *varkas* land not under cultivation be reduced to only nominal rates, the occupants will cheerfully place themselves under the restrictions and conditions as regards the sale of the forest produce growing on such lands. Whatever forest produce they want *bonâ fide* for their own use they are to get free of charge and the restrictions are likely to prove in the long run for their own substantial benefit."

"From the evidence recorded by it the Commission appears to have formed an opinion that all the denudation of the occupied *varkas* lands is solely wanton on the part of the occupants. Probably in the years gone by this may have been the case when the occupant could sell his own forest produce for his own benefit and get what he wanted for his own use from the State forests unopposed. But matters have greatly changed since then in this respect."

"The rayats of this part of the country, and especially those of Thána, cannot in these days be called so very foolish or careless as regards their own interests. They take good care of their holdings, try to improve their lands by every means in their power. When they get no sufficient *táhál ráb* easily they toil and moil to collect cowdung, dry leaves, grass, &c., for *ráb* purposes, and thus exact from their lands as much as they are able to get. It is evident, therefore, that the Thána rayats must have some other reason for recklessly destroying the forests situated on their own occupied *varkas* lands, and I make bold to state that the very foresight, with the absence of which they are charged, compels the rayats to destroy the forest growing on their occupied lands in the way they are doing. The policy, qualify it by any adjective you please, persistently followed by the Forest Department during the last ten or twelve years is solely at the bottom of this so-called reckless destruction of forests in *málki* lands. This policy has created so deep a sense of insecurity of property in the minds of the unfortunate Thána rayats that they have become helplessly blind to their future interests as regards forest matters. They fully believe that the high-handed forest administration will continue for ever, and that they will be deprived by and bye of all their lands that are fit for forest growth. They therefore think that it is better to secure for themselves whatever they can get from these lands before they are deprived of them by the Forest Department."

"At one time they experienced that they were not certain of enjoying the fruits of mango and other fruit trees planted by their forefathers and themselves in the village *gurcharan* lands any longer, and the result was that thousands and thousands of beautiful mango trees were cut down by them from their own occupied lands for whatever prices their wood fetched. So far, therefore, as my knowledge of the Thána rayat is concerned, I feel fully confident that if a sense of perfect security in forest property growing in their own lands be once skilfully and effectually established in the minds of the Thána rayats, all the elaborate rules at present under consideration will be found quite unnecessary at no distant period. The remedy is very simple. Scare away the phantom of the present *ságvánpos* (forest subordinates) from the limits of every village, and this step alone is sufficient to work a magic cure in the sense and forethought of the Thána rayat. I do not think any distinction is necessary between trees in *varkas* lands and trees in garden and rice lands. Perhaps the occupant would like to have his trees in rice and garden lands free from any restrictions and conditions, but he will not gain anything by this."

Mr. Ebden :—"In reply to the first question which refers to measures for the prevention of reckless destruction of trees on occupied lands, I have to state that in my opinion a scheme that combines all three of the measures described by the Commission would work more successfully than any one of them singly. Those measures are :—

(1) Resumption by legislation of the Government right in trees, or penalising cutting without permission ;

(2) the prohibition of export *de facto* or by a duty ;

(3) the reduction of assessment on *shindádi* lands on certain conditions."

"I believe that the last measure would be only a partial cure for the evil, as so much would depend on the consent of individuals."

"I think that legislation is necessary in order to ensure uniformity and to leave room for no uncertainties."

"It is also desirable as a means of fixing facts in the minds not only of the people but also of the officers of Government."

"Government Resolutions and departmental orders are lost sight of, officers are changed, and in a few years the terms of a complicated settlement are forgotten and become the subject of research and study."

"I also believe that so far as it concerns the resumption of rights the actual effect of legislation will in most cases be prospective rather than immediate, the rights which it is proposed to resume being already almost annihilated by the disappearance of the objects of them, and by the callousness of the rayat regarding reproduction, so long as he is admitted to privileges in the forest."

"At the same time, to take away from the arbitrariness of the measure, and to carry out a policy which I believe to be absolutely sound, I consider that the resumption should be followed by an Act which could not possibly be misinterpreted, and would be the clearest possible proof of the good intentions of Government. I mean that simultaneously with a restoration under restrictions of the resumed rights Government should divest itself, without direct compensation, of its rights in the trees hitherto reserved as royalties."

"One great cause of a constant drain on the forests is that, as a rule, none but inferior kinds of wood are conceded for agricultural use. The *mándav*, hut or plough made of these rapidly decays, or is worn out and has to be replaced. While had the best wood available been used it would have lasted thrice, ten or twenty times the term. To put it briefly, the better the material taken from a forest, the longer interval of rest will the forest enjoy before new material is required to be drawn from it."

"From other points of view also I consider that the policy of granting good wood is sound. The inferior trees have many of them their economic uses for which they ought to be reserved, and as far as climatic influence and reboisement are concerned, their presence in a forest is quite as valuable as that of superior kinds."

"For practical purposes I imagine that the existence of blackwood and sandalwood in occupied lands in Thána may be ignored, and that the teak alone needs consideration. The value of the teakwood standing in such lands is of course very large, and the annual revenue derived from this source is perhaps considerable."

"It is the most valuable of all woods for the general purposes of an agricultural homestead, and notwithstanding all restrictions, the temptation to appropriate it to those purposes is frequently yielded to."

"One great point about the tree is that it is practically indestructible; the new shoots that rise from the old stock rapidly form trees once more if properly cared for. Its leaves also are of great value, locally for roofing houses and for lining rice bins, and very great discontent was caused by restrictions placed on their use."

If a supply of wood of this kind is placed at the disposal of the rayat, and if he is granted leave to grow this wood on his own lands without fear of its appropriation by Government, I think that there is no doubt that an infinite boon would be conferred upon him, and that the popularity of the resumptive measure would be almost ensured. And at the same time a sensible relief would be effected to the drain on the forests.

"Supposing the policy of the resumptive measure and of conceding the usufruct of royalty trees to be admitted sound, it has to be considered how different cases among occupants should be dealt with. The main differences so far as reserved trees are concerned are probably embraced in the following four heads:—

(1). Rayats who have not purchased the reserved trees in their lands;

(2). Those who have purchased them but have not cut them;

(3). Those who have purchased and have cut them and are in enjoyment of the after-growth;

(4). Those in whose lands Government have cut or sold to traders the reserved trees, the occupants being entitled to the after-growth.

To deal out equal justice to all these parties is a matter of some difficulty.

So far as unreserved trees are concerned the differences seem to be chiefly two, *i.e.*:—

(1). Rayats to whom under the Survey Settlement unrestricted rights were conceded.

(2). Those who received limited rights.

"The resumption of the unrestricted rights is the policy now demanded. The simultaneous resumption of the limited rights is perhaps advisable for the the sake of uniformity in the redistribution of rights."

"The following is a *resumé* of the suggestions which it strikes me to make with regard to carrying out a measure of resumption:—

(1). All rights to trees of all kinds standing in occupied lands to be resumed whether those rights have been parted with by grant or by sale.

(2). Where rights have been parted with by sale compensation to be given on the following principles:—(*a*) Where the trees have not been felled the actual value received by Government, plus a fair rate of interest. (*b*) Where the trees have been felled their value shall be understood to have been realised, and compensation shall be awarded for the after-growth alone. (*c*) In calculating compensation for the after-growth it will be taken into consideration,

(1). that the right to the trees will be restored to the owner under certain restrictions, and that,

(2). These restrictions will be confined to restrictions on free trade in wood, the occupant continuing to enjoy the usufruct of the trees for domestic and agricultural purposes.

(3). Where complications exist owing to re-sale having taken place and the like, these must be dealt with on their individual merits. But the intention of Government to legislate should be notified at once, and no alienation of right subsequent to the date of such notification should be taken into account.

(4). Where rights in trees have been conceded without sale, those rights, whether unlimited or limited, to be simply resumed.

(5). The cultivation of such portions of present *varkas* holding, as can equitably be classed as *shindádi* lands, to be prohibited, and the assessment of such *shindádi* lands to be reduced according to Mr. Atkins' plan.

(6). The conservation of *shindádi* lands for the growth of material for *ráb*, &c., to be made compulsory, under penalty of the forfeiture of the occupancy thereof, together with that of the rice land to which they are attached.

(7). Option to be given to occupants of *varkas* to have any portion of such *varkas* classed and assessed as *shindádi*, subject to the provisions regarding *shindádi* land.

Subsequently the following concessions may be granted and restrictions enforced:—

(1). Leave without special permission to occupants to use for themselves or for tenants all kinds of trees in their lands for defined domestic and agricultural purposes.

(2). If the wood is required for use beyond the village limits a pass under the Forest Act to be required for its removal. The pass to be granted by the *pátil* of the village, who shall keep a record of all materials so removed.

(3). Leave on special permission by the *mámlatdár* may be given to part with wood for similar consumption by *bonâ-fide* agriculturists living in or cultivating land in the limits of the village where the wood is produced. A record of such wood to be kept by the *pátil*.

(4). Leave on special permission by the Collector may be given to part with wood to the general public, on payment of *ad-valorem* fees which should be fixed at nearly prohibitive amounts.

(5). Penalties of fine should be imposed on the infringement of any rule made under the above scheme.

(6). Free permission should be given to lop for *ráb* all trees without restriction, leading shoots and saplings excepted; but permission should not be given to part with *ráb* material to others.

(7). The use of fruit and leaves should be unrestricted.

(8). After the lapse of a definite term of years, estimated in accordance with the condition of the holding, the exercise of any free privileges in the forest should be cancelled.

In reply to that portion of the question which asks with regard to sales, whether any distinction should be made between trees on *varkas* and trees on garden and rice lands, I have to say that in my opinion no distinction is desirable."

Mr. Mulock:—"There is no doubt that there was a reckless destruction immediately after the introduction of the Survey of unreserved trees in all the following eight *tálukás* of the Thána District:—

Táluka.		*Year of Survey.*
Karjat	...	1854-56
Panvel	...	1856-57
Kalyán	...	1858-59
Murbád	...	1859-60
Bhivandi	...	1860-61
Sálsette	...	1861-62
Bassein	...	1861-62
Máhim	...	1862-63

This was due to the Survey Department having made large allotments out of the then forest area as *varkas* numbers to the cultivators. On these *varkas* numbers there was a nominal assessment fixed, varying from 1 to 2 or 3 annas per acre, and this nominal assessment had been settled owing to the ground being unfit for cultivation and encumbered with trees. In the decade from 1854 to 1864 no reservation was practically made with respect to trees other than teak at the introduction of the settlement. The result was as might have been anticipated. The occupants having become suddenly possessed of the unreserved description of trees, proceeded at once to cut them down and realize their value. Few can now understand, who were not witnesses of it, the immense value of the State property thus irretrievably parted with. To give some idea of the value of the timber lost by the oversight of the Survey Department, I will state a case which came before myself, and which may prove instructive, now that the occupant poses frequently as a lamb and Government is denounced as a wolf! In Kosbád Páda of Kainád village, now in the Dahánu *táluka* an occupant held land as under:—

	A. g. a.		Rs. a. p.
Kharif ...	... 27 19 8	assessed ...	... 55 3 0
Varkas ...	... 41 30 0	assessed ...	... 2 11 0
Total ...	69 9 8		57 14 0

Immediately this land was marked off and entered in his name, the occupant sold the unreserved trees on the *varkas* portion of his holding to a timber merchant for a thousand and twenty-five rupees, and subsequently he disposed of it to another timber merchant for nine hundred and twenty-nine rupees. The matter having been enquired into a criminal court, all the facts of the case transpired. I believe, however, that it was no isolated or exceptional case. All *varkas* holders made large sums in the same way. In this case the occupant paid annually to Government one anna per acre for his *varkas* and by selling the timber he realized between Rs. 23 and 24 per acre, or the very large sum of a thousand rupees for land the assessment of which was only Rs. 2-11. In other words he sold the timber for over three hundred times the assessment, and having denuded it thus of trees, it was quite optional with him to relinquish the land. A more one-sided or ruinous bargain for Government could scarcely be imagined. These sales of timber took place in all the above-mentioned eight *tálukás*, and the Forest Department complained of the thousands and thousands of passes or permits which had to be issued for the removal of the sold timber. Not till the settlement of the Kolvan (Dahánu, Váda, and Sháhápur) *táluka*, after the passing of the Survey Act I. of 1865 had become law, and had conceded to the occupant all trees unreserved by notification, did the Survey and Settlement Commissioner, Major Francis, seem to realize the position. And we find him in his Report No. 429 of 27th June 1866, on the Kolvan *táluka*, reporting as under:—'The cultivators of some villages objected to this arrangement (*i.e.*, the property in the trees remaining at the disposal of the State) on the ground that it deprived them of the privilege of selling the wood of their holdings as enjoyed in the adjoining district of Bhivandi. It appeared on enquiry that in some cases they had already agreed with wood merchants on the supposition of the Revenue Commissioner's order being applied for the sale of wood from their *rán* lands for considerable sums. The district would thus have been denuded of wood in a few years, whereas the plan proposed, whilst prohibiting its sale for export, is calculated to preserve a supply of it without depriving the rayats of the rights hitherto exercised in respect of wood. For these reasons the Survey Commissioner would beg to recommend that the entire *táluka* should be excepted from the circular order alluded to and managed under the special arrangements herein explained.'"

"Government approved of the suggestions of the Survey Commissioner on the Kolvan Settlement in 1866, and consequently all trees in *varkas* numbers in that *táluka* were reserved by the State. Three courses are suggested in the question by the Forest Commission for Government to recover its rights in the timber so hastily parted with:—

"Firstly, the summary resumption of the rights in the trees granted at the Survey Settlement and re-disposal of them to occupants under conditions precluding sale without permission. This plan does not recommend itself to me. Such a resumption would look very like a confiscation of rights already conceded to cultivators, and it would no doubt be strongly condemned by popular judgment, and I believe all endeavours to prevent reckless cutting of any trees on occupied lands for sale or profit without obtaining previous permission from the local authorities would prove not only irksome but futile.

"The second course of stopping the sale of trees in occupied lands by prohibiting the export either from the district, from the *táluka* or from the village, or by levying prohibitive duties on the export of certain kinds of forest produce, seems to me inexpedient and scarcely feasible. The Government of India have only in recent orders condemned the interference of Forest officials with timber in transit when distant from the jungles; and the local Government are doing their utmost to induce Native States to abolish all transit duties. It would, therefore, be a retrograde step to impose export or transit duties in the manner suggested, and such a proceeding would scarcely recommend itself to either the Local or the Supreme Government.

"The third course suggested by Mr. Atkins of dividing *varkas* numbers into—Firstly, those for cultivation; secondly, those for *shindád* or *ráb*, and assessing the former at eight annas per acre and the latter at one anna per acre, seems to me the most practicable of the three courses, and certainly deserves a trial."

Mr. Atkins:—"The schemes for (1) summarily resuming private rights to trees, (2) making it penal to cut trees which are private property without permission, (3) prohibiting the export of such trees when cut, are all schemes for the virtual confiscation of private property. The result of the adoption of any one of them would, I admit, be on the whole beneficial to the majority of the community and in the interests of the cultivating classes generally, and in those of Forest conservancy, I should be glad to see any one of them adopted. Schemes (2) and (3) are better than (1) because they *look* better, and the *look* of a thing is of the utmost importance in the practical administration of an uncivilized district. A rayat who might not dream that an order not to sell his trees was high-handed would certainly be astonished and disgusted if told that Government had taken them away from him. A combination of schemes (2) and (3) would perhaps be preferable to the adoption of only one of them."

"But, when I try to consider these schemes from a wider point of view, I feel very doubtful about their expediency. It may be assumed, I believe, that the legislative resumption of rights contemplated would not be made without the consent of the persons affected, and that any individual objecting to the resumption would keep his rights. Otherwise the schemes would be schemes of robbery. An attempt would of course be made to obtain the requisite consent, and a *consideration* would have to be offered in return. The consideration would no doubt be the grant of certain extensive but well defined privileges (or I should think *rights* [1]) to receive either gratis or at low rates forest produce *required for private use only and not for sale.*"

"My own opinion is that a consideration *of this nature* will not be a fair equivalent for the rights to trees abandoned by those who have at present enough trees to supply (or more than supply) their own wants; and that consequently such occupants will not give the requisite consent if they clearly understand the real consequences. As an example take the case of a man who has just sufficient trees to supply his own wants. At present of course he will not be so foolish as to use them to supply those wants. He will sell them as soon as a good price is offered, and will rely on afterwards getting whatever he requires from the forests. I cannot blame him, for it is exactly what I should do myself in his position. He knows that, over and over again, other cultivators similarly circumstanced have been warned that if they sold their trees they would not be allowed to resort to the forests. He also knows that the threat has always proved an idle one. He may reasonably expect (judging the future by the past) that if he sticks to his trees and sells them when he chooses, nothing but a little agitation will be required to enable him to get what wood he requires from Government. His policy has been repeatedly stigmatized as short-sighted. But it was not so. It was clearly wise. Suppose that (1) all men gave up their rights to sell their trees without permission, (2) all men got permission to sell their trees when more than sufficient to supply their own wants, (3) all men got what they required from Government forests, what would this particular man have gained? Nothing, because, now, even on the presumption that no forest privileges whatever are conceded to him, his land *ex hypoth*: will supply all his wants; *i.e.*, all he can in future get from the forests. What will he lose? Clearly the sale value of his trees, minus any sum of money he is in future if he sticks to his trees coerced into paying for the wood he gets from the forests; and, on the assumption that agitation will, as usual, be successful and that he *will escape paying anything*, his loss, by consenting to the schemes now suggested, will be exactly the sale value of his trees."

"My alternative scheme is not, I admit, so complete and radical as any of those proposed by the Commission: but I believe it to be a good one and a practical one, and one that is not likely to cause any feeling of insecurity in the possession of private property."

I would in the first place control all *tree produce* in transit under Section 41 of the Forest Act. That section at present applies only to *forest* produce: 'forest' is not defined and 'tree produce' grown on private lands is held to be not 'forest produce.' It should be made so by altering definitions in the Act in the way I have already explained to the Commission. Any wood in transit should be liable to seizure (or to the payment of heavy duties) if not covered by a pass: and any man should be able to obtain a pass for the removal of wood legitimately cut, on application to the head man of the village in which it is cut. This scheme would check two abuses that district officers have hitherto found most difficult to deal with in a jungly district like Thána in which Government tree-clad unoccupied land is interlaced with occupied tree-clad land, the trees in which are private property. These abuses are (1) the passing off of stolen Government wood as private wood, and (2) the making use of privileges in the forests to supply the Bombay timber trade on the pretence that the wood really granted from the forests for private use is wood that has been cut on private lands."

---

[1] In return for a right a right must be granted and not a withdrawable privilege.—*Mr. J. DeC. Atkins.*

"I propose in the second place to considerably raise the assessment of *varkas* lands at the Revision Survey and to remit (the remission being made *at any time* by the Collector) either the whole or the greater part of that assessment in all cases in which a guarantee is given that they will be used exclusively for their more legitimate purposes, *viz.*, the growth of trees to supply *rán* material for the rice lands, and wood for the private use of the occupants. I do not pretend that the effect of this scheme will be very great. But it will at all events place cultivators who use their *varkas* for its more legitimate purposes at an advantage as compared with those who use it to make a *separate* profit. The ridiculously low assessment of 1½ or 2 annas per acre placed on most *varkas* lands at the Survey was no doubt due to the impression then prevailing that those lands would be required and would mostly be used to grow *rán* material to burn on rice lands as manure, and that, consequently to charge more than nominal rates for *varkas* would practically be equivalent to increasing rice field assessment. Those cultivators who now agree to use *varkas* only for purposes subsidiary to rice cultivation should have this advantage continued to them, or even increased (by the remission of the whole of their assessment): but those who make from the lands a *separate* profit as distinct from that on rice cultivation, should surely at the earliest possible opportunity, be made to pay a fair and not a nominal assessment. The latter people cost Government more than the former because they expect Government to provide them with the tree produce which the former grow for themselves."

"I may mention that it will be no more difficult to prevent the cultivation of the not to be cultivated *varkas* lands, (or *shindádi* lands) than it will be to prevent the cultivation of a portion of a village site or of grazing land, or any unoccupied land. In each case the remedy under the Land Revenue Code will be of the same nature."

"In the latter part of the question I am asked whether in the case of restrictions on sales without permission being imposed any distinction should be made between trees on *varkas* lands and trees in garden and rice lands. My answer is that permission should be obtained in all cases, if in any, in order that a check may be kept on *all* wood alike in transit, but that in the case of garden and rice land the requisite permission should always be given as a matter of course."

Mr. Sinclair:—"Speaking with due respect and with strict limitation to my own district (Kolába), I deny the preamble of the question and consider that the first two remedies for the imaginary evil are morally wrong and would shake the credit of Government with its subjects; and that the third is altogether impracticable."

Mr. Keyser:—"The summary resumption of rights in trees, or of any other nature, guaranteed at the survey, is a proposal that will not bear discussion, and I do not think any legislative authority would take it into serious consideration. Nothing could do Government so much harm as any suspicion of the validity of its guarantee, and that there has been ground for it in proceedings since 1877 in the Forest Department I look on as the greatest blow our administration has suffered, since I came to the country."

"I think, however, the destruction of trees in occupied numbers might be regulated. No wholesale felling for trade purposes should be allowed without a permit, which should only be withheld for valid reasons to be given in writing, and an export duty might be chargeable on all wood sent out of the district, which it would not be necessary to levy from contractors, or unless it was thought expedient, on wood shipped from occupied numbers under a permit."

"By means of this duty the dealings of traders with wild tribes might be regulated and abuse of privileges by the latter or by others, allowed to collect firewood free, prevented."

"Mr. Atkins' proposal is not feasible and were it so, no *varkas* land in the South Konkan could bear an assessment of eight annas. All interference in the management of occupied land would be attended with great difficulty and should be minimised as far as possible. Mr. Atkins' proposal would entail annual inspection of an enormous area, and the assessment on most profitable *varkas* lands, those in the Northern Konkan which grow grass for the Bombay market would be unduly reduced."

"I am not of opinion that any distinction can be made between trees in different descriptions of lands at this stage of our revenue administration, except that I think it unnecessary for Government to reserve any trees in rice or garden lands. They do not exist in the former, in the latter their growth is generally due to the care and capital of the owners; the reserved trees are few in number, and it is an invidious and difficult task to watch them in enclosed gardens or prevent their removal."

"In controlling the disposal of timber in occupied numbers, it must be remembered that they are an alienable property, vested in occupants by a Government guarantee, and have often been the subject of sale."

Questions II and III.

Subject.—Royalty Trees.

1. The following kinds of timber trees have been reserved in the Thána District except in the instances where they may have been purchased under Ellis' Rules:—

(1) Sandalwood	In all the Government occupied lands in the District.
(2) Blackwood	
(3) Teak	
(4) *Tivas*	In all the Government occupied lands in Dahánu and Kolvan.

2. There are very few sandal and blackwood trees in occupied lands, and their removal from the reserved list would not involve much sacrifice. But it is a question of importance whether the right of Government to the standing teak and *tivas* trees and their after-growth should be got rid of, and if so, how.

3. Ordinarily it is the policy of Government to get rid of such rights in surveyed districts; but the circumstances of Thána are peculiar, and if the rights of Government were parted with unconditionally, it is feared that the occupied lands would soon be cleared of teak and *tivas* which is undesirable even in the rayats' own interest. But at the same time it is expected that if such trees were disposed of subject to the condition that the occupant shall not *cut for sale* any of the trees without special permission, the present demand on Government forests for domestic and agricultural wood would be very materially reduced and the rayats would get better and more durable timber for house-building, ploughs, &c.

4. It is therefore proposed that:—

(1). The teak and *tivas* trees in occupied lands belonging to Government should be sold once for all to the occupants at half their value but subject to the condition that the previous premission of the *Sarkár* shall always be obtained if any wood is to be cut for sale.

(2). The price to be charged should be fixed by the Forest Department, the valuation should not however be made for each tree separately but for so much per hundred trees above a certain girth, say, 9 inches.

(3). If the amount to be charged exceeds 100 rupees for a *kháta*, the occupant may be allowed, on his furnishing a good security, to pay the amount in four half yearly instalments.

(4). If the occupant refuse to buy up the trees the Forest Department should either sell the standing trees by auction or cut them departmentally—in either case the trees to be removed from the ground within two years. The after-shoots and the trees below 9 inches in girth that may have been left out of valuation shall then belong to the occupant provided he consents in writing to abide by the condition mentioned in the 1st clause.

Q. II.—Please favour the Commission with your opinion on the above.

Q. III.—Please state whether in your opinion the disposal by Government of their right to the reserved trees in occupied lands, will not in a great measure do away with the necessity of making provision on *specially* favourable terms for supplying wood for domestic and agricultural purposes.

Answers.

Mr. Loch in reply to question II. writes:—"I believe that the main object of Government in refusing to part with their rights over the reserved trees in favour of the occupant has been to preserve the trees though no doubt the fact that these trees are a very valuable property has had some weight. If however Government would part with their rights in teak and *tivas* to the occupants on the condition that they were not to be cut for sale at all, I think the main object would be attained though some revenue would be sacrificed. I would not hold out any hopes to the land-holders of permission to cut for sale being given, as this would probably lead to irritation and the revenue authorities would be charged with unnecessarily refusing permission. On the other hand I would part with the trees either without payment or at a very low rate. I think that the poorer class of cultivators and those living in the wilder villages where there is much teak on the *varkas* land would be unable to raise the money to purchase the trees; because the trees would have no saleable value to them, and they would be unable, therefore, to borrow the money required from their *sávkárs*. If it is proposed to restrict the privilege of sale of ordinary timber on occupied *varkas* land in the way described in question I. it is desirable that Government should be very liberal in settling the terms on which they are willing to hand over teak and *tivas* to survey occupants. Even if only half the price of the trees is charged a considerable amount of land will remain on which the trees will be the property of Government and these have to be dealt with as proposed in paragraph 4."

In reply to question III he states 'as far as the ordinary cultivating classes go, the surrender of the teak and *tivas* ought to go far to render it unnecessary to sell wood on specially favourable terms to them, but arrangements would have to be made for the non-land-holding classes, some of whom, *e.g.*, the Mhárs, are the poorest in the community;

they would perhaps be worse off than before, because they would not even be able to buy wood as before from their neighbours. Similarly village *sutárs* (carpenters) will probably find it difficult to get wood for their trade."

Mr. Mackenzie states in reply to questions II. and III.—"There can be no doubt that if Government parted with their rights over teak and *tivas* on occupied lands the occupants of which should be bound not to cut these trees for sale or barter without special permission, but might cut them for agricultural and domestic use, the strain on Government forests would be considerably lessened, and the occupants would be materially benefitted by getting more useful and durable wood for the above-mentioned purposes; but the proposal to sell such trees even at half the estimated value with the restrictions referred to would result only in such cultivators as are well-to-do buying the luxury. The poorer classes could not find the money for it whatever price might be charged, and would be no better off than before."

"I think the fourth proposal, *viz.*, if the occupant refuse to buy up these trees, the Forest Department should either sell the standing trees by auction, or cut them departmentally (in either case the trees to be removed from the ground within two years), and the after-growth to belong to the occupant, on condition that he may not sell or barter it without special permission but may use it for *bonâ fide* agricultural or domestic purposes, one which would be most acceptable to the rayat, but I do not see how under this scheme the village artizans are to get wood for their occupations unless the 'using it for *bonâ fide* agricultural purposes' is held to cover the rayat supplying, say the *sutár* (carpenter) with wood for making ploughs, axles, &c. I think it must, as to tell the rayat he might cut wood for agricultural purposes and to forbid him to supply it to the man who would make it fit for such purposes, would be to give with one hand and take away with the other."

Mr. Shuttleworth in reply to question II states:—"I do not think that the conclusion is correct that there are very few blackwood trees on occupied lands; compared with teak trees their number may be few and their value small, but at the same time there are many and valuable blackwood trees upon occupied lands. Of sandalwood there are very few, and the removal of this tree from the reserved list would not cause any great sacrifice of State property. But in teak trees upon *málki* lands Government possesses a mine of wealth, and to sacrifice this property would involve the giving away of very many lacs of rupees. Some of the occupied survey numbers of the Karjat, Kalyán and Murbád *tálukás*, which extend high up the sides of steep and lofty hills, are covered with a dense forest of teak trees. *Tivas* trees do not predominate like teak, but in the northern *tálukás* their number is great and their value is not inconsiderable. In reply to this question I would state that I am of opinion Government should in the first place select its forest reservations, this has been done by the Forest officers throughout the Thána Collectorate, where the Assistant Collectors have not already completed the work, and they should then dispossess themselves of the teak and reserved trees upon occupied lands outside the boundaries of the forest reserves. In the Karjat and Kalyán *tálukás* the forest boundaries do not come down to the base of the hills in all villages, and where they fail to do this the occupied lands upon the slopes of the hills should be purchased for forest conservancy by Government. If the occupants desire to purchase the trees they should do so at the *full* market price and under the condition that they must obtain permission before they fell any tree, and in the event of their felling without permission the felled trees will be subject to confiscation and to be sold by Government. There is no reason why the price should be reduced, as in his purchase of the standing trees, the occupant acquires right over the after-growth, which is a valuable consideration. Failing sales to occupants, the Forest Department should fell and sell the timber, not within two years as has been suggested, as the extensive fellings which a condition of this kind would necessitate, would glut the market and cause serious loss of revenue, but the sales should be distributed over a series of years, their duration being determined by the number of trees to be felled and the quantities of timber to be put into the market at the time. After a survey number has once been cleared full rights of appropriation and disposal should then be conceded to the survey occupant upon the condition that he shall obtain permission before he may cut a single tree. The teak tree reproduces vigorously from the old stools, and in a few years after a survey number has been clean cut over there will be a second crop on the ground. Similar treatment should be adopted in connection with the blackwood and *tivas* trees."

In reply to question III. he states:—"I do not admit that there is any necessity for making, or any obligation upon Government to make, provision on specially favourable terms for supplying wood for domestic and agricultural purposes to survey occupants. On the contrary, I maintain that these men have no such claim upon the public forests. The question implies that the people are to be pampered. This system of pampering has done and is doing a great deal of harm to the district, for it induces the denudation of *varkas* lands. The people knowing that they can fall back upon the State forests for their requirements, free of charge, or upon specially favourable terms, scramble to sell the trees upon their fields to the timber dealers, into whose pockets the larger share of the gains go. Instead of a local trade in timber and other forest produce being fostered, private enterprise being encouraged to establish a retail market for timber, &c., and the people taught to be independent of Government, private enterprise has the ground cut away from under it, while the people are being educated to sell the tree property which Government has

with such indulgent liberality given to them, and then to turn to the forests for the satisfaction of their wants; much of the material which is obtained from the forests upon specially favourable terms follows the *málki* number wood into the Bombay market and thus occupied survey numbers are denuded, the State forests are depleted, the public revenues suffer, and timber dealers and *sávkárs* profit at the expense of the tree-growth of the country."

"Under the assignment of the *varkas* lands made by the Revenue Survey Department, about 250,500 acres of wooded land passed from Government into the occupancy of the people, and full rights of disposal have been given over the unreserved trees in the greater portion of these lands, and conditional rights of appropriation upon the remaining smaller portion. Valuing the unreserved trees, *viz.*, the junglewood at Rs. 14½ per acre, a very low estimate, it will be seen that Government have already transferred to the survey occupants in the Thána District standing timber of the value of Rs. 36,32,250, or in other words they have given the survey occupants a grant of 36½ lacs of rupees, and have told them to buy with this money such timber as they may require hereafter, and not to look to the public forests as a source of supply, free of charge or upon specially favourable terms. Thus I submit that there is not the slightest necessity of making provision on specially favourable terms for supplying wood for domestic and agricultural purposes to survey occupants; on the contrary, it is a baneful practice and should not be tolerated. Let private enterprise step in, and it will be found that the wants of the people will be satisfied far more satisfactorily than Government can arrange to do the work. The disposal by Government of their existing right over the reserved trees in occupied lands, and the relinquishment in favour of the survey occupants of the rights of Government over the after-growth of teak, will undoubtedly give to survey occupants less cause than they can have now to come to the State forests or to the local market, to provide themselves with wood for domestic and agricultural purposes; instead of buying they will be able to utilize the growth of their own survey numbers."

Mr. K. M. Thatte in reply to questions II and III states:—"The proposed disposal by Government of the royalty trees in occupied lands will have a very wholesome effect in so far that the occupied lands will be absolutely the property of the holders and will thereby preclude all necessity for further interference; but I do not believe that the proposed disposal will *in a great measure* do away with the necessity at least for the present of making provision for supplying the people at specially favourable rates with materials necessary for their domestic and agricultural consumption. My reason for this belief is that the number of such trees in occupied lands is so small as to preclude the idea of their disposal resulting in the direction alluded to in the question. I advocate very strongly such disposal of their royalty trees in occupied lands solely on the ground that the measure will do away altogether with the necessity of Government interference in occupied lands. It is the multifarious interference that causes so much of discontent in the agricultural classes. True it is that the rayat will be dependent upon the State forest for the timber that he requires for his own consumption at present, because he has no sufficient royalty timber in his own holding, but he will rather soon learn the wisdom of growing such timber on his own land than to buy it from the State forest on the score of economy itself."

Mr. Ebden in reply to question II states:—"In my reply to question I. I have stated my own opinion with regard to the disposal of reserved trees."

"I think that a prohibitive duty on the export of the timber of them, together with the provision that they may not be sold without permission, ought to be a sufficient guarantee for their preservation. I would deprecate the destruction of them by felling in the event of an occupant refusing to purchase them. Purchase should not be required in my opinion. But if it be it should be made obligatory, and failure to purchase should involve forfeiture of the occupancy, subject of course to compensation."

In reply to question III he states:—"I think that the disposal by Government of their right to reserved trees in occupied lands will in a great measure do away with the necessity for supplying wood on specially favourable terms from the forests for domestic and agricultural purposes, and that in the course of time it will prove a fair commutation of almost all forest privileges: provided that the right is disposed of *to the occupant* of the lands, under proper restrictions, and that all uncertainties regarding the responsibility of the occupant with regard to the conservation of his tree-bearing land are once and for ever removed and the fulfilment of that responsibility is exacted."

Mr. Mulock in reply to question II states:—"The circumstances of Thána are decidedly peculiar. In the eighteen districts of the Presidency, forests are now only to be found in the Konkan, Kánara, and Khándesh. The forests in the latter district are but poor. In the Panch Maháls they are scarcely worth the name, and in the Dángs the forests are becoming rapidly exhausted. Bombay, with its nearly one million of inhabitants, is supplied with firewood from the Konkan. It is a matter of great importance to Government therefore that the forests of Thána should be preserved and the supply of firewood carefully husbanded, the more so, as all castes in this country cook separately and burn wood almost exclusively. Thána also supplies Gujarát with building timber. To sell the teak trees standing in occupied *varkas* numbers as suggested would be, in my opinion, a

most disastrous policy, and would prove even more injurious to State interests than the former thoughtless gift of the unreserved description of trees, at the Survey. The reasons for my opinion are:—

"Firstly, that all the best teak grow on the level ground on the lower ranges of the hills up to a height of about 500 feet. Above 500 feet the teak is scarce, of poor growth, and does not pay even for its cutting. It is principally out of these lower ranges containing the most valuable timber that the allotments of *varkas* have been made by the Survey, and if the teak on them is to be sold to the occupants, Government will have little left worth preserving or maintaining an expensive Forest establishment for."

"Secondly, that the experiment was tried in the Kalyán *táluka*, and Government had grave reason for regretting the step then taken. A large amount of teak timber was suddenly thrown on the market with the result that its price fell so low that the rayat did not care to purchase the teak trees at even an anna a piece, and when he bought them he could not find a purchaser to take the wood off his hands. The timber merchants purchased them in the names of the rayats, and the greatest confusion was caused by the different interests of the holders of the land and of the purchasers of the trees. It is also, I perceive, proposed that the State should alienate for the very inadequate sum of half the value of the trees its right to the after-growth which reproduces every forty or fifty years a new crop of valuable teak."

"Thirdly, that the sale of teak trees to the occupants as proposed will necessarily result in an extension of cultivation after the trees have been cut down. More *varkas* land will be denuded of vegetation, and the outcry for further supplies of *ráb* will be louder than ever."

"Fourthly, the survey assessment varying from one to three annas per acre was fixed on the understanding that *varkas* land was to remain encumbered with Government trees; if they are cut down the assessment becomes inadequate and should be enhanced."

In reply to question III. he states:—"In my opinion the disposal by Government of their right in reserved trees in occupied land will not only do away with the necessity for making provision on specially favourable terms for supplying wood for domestic and agricultural purposes, but it will also do away with all possibility of making such provision as Government by the arrangement will part with all timber worth cutting."

Mr. Atkins in reply to question II. states:—"If one of the schemes (except the last coupled with my name) suggested by the Commission in question I. is not adopted, I consider that the proposed sale of royalty trees to occupants would be in every way objectionable. But on the assumption that one is adopted I admit that there are some advantages in placing teak trees on the same footing as other trees, and by increasing the demand on the former, lessening the demand on the latter, which have in many places nearly disappeared owing to a too great run on them. But there are disadvantages which I consider more than counterbalance the advantages of the scheme. There is (1) an important revenue objection. It is hard to see why Government property of such enormous value (crores of rupees I think) should be sold for half its market value, when by selling the trees to timber merchants direct, and *gradually*, the full market value could be obtained. There is also an executive objection. My experience in the inquiry into the Kalyán teak tree frauds showed me the absolute impossibility of making even a fairly accurate enumeration and valuation of many millions of trees in a limited time, and with a limited establishment. There is lastly a forester's objection, because a purchaser is very likely (I feel sure of this) to get permission to sell his trees without a sufficiently careful and trustworthy inquiry being made as to whether after cutting them, he will be able to get along without resorting to the forests for his *ráb* material which in the shape of dead leaves those trees now provide him with. The demands on the forests for *rab* will therefore in all probability be increased."

In reply to question III. he states:—"No. A man would rather get wood for nothing from the Government forests than buy it from his neighbour. The quantity of teak in occupied lands would I admit be quite sufficient, and far more than sufficient to meet local demands for teak (if its use as *ráb* material is neglected). Even if these teak trees are not sold to the occupants they will supply the occupants' wants, whenever it is necessary to give them teak."

Mr. Sinclair in answer to questions II. and III. states:—"Pratically there are very few 'royalty trees' in Kolába and all these are all teak."

"There is nothing to be done but to get rid of them *out and out;* because the existence of Government rights in them is a blister to the few occupants concerned and a trouble to the servants of Government, out of all proportion to their very small value."

Mr. Keyser in reply to questions II. and III. states:—"I would get rid of all trees in occupied lands by sale at a very moderate valuation."

"Payment should in all cases extend over a term of years, that is, I would enforce it in five or six yearly instalments, with a discount for cash. The full price however to be exacted, should a felling be made."

"If it is intended that no felling be allowed, the price charged must be nominal. A cultivator cannot afford to pay, if he be not allowed to realise. The value of the timber should be assessed in the first instance by a *panch*."

"But I am opposed to all interference in occupied lands, and refusals to permit fellings should only be within the discretion of the Collector, and not made except for very special reasons."

"The chief advantage, this measure would secure, would be the reduction of interference in regard to occupied numbers, and the rigid limitation of the scope of the Forest Department's administration to the forest area."

"As regards forest privileges, it will only affect the limited number, who have *varkas* lands of any extent, and who also cultivate rice. The general question of the supply of *ráb* and other forest produce will scarcely be touched by it."

Question IV.

Subject—Shi'nda'd Lands.

Evidence has been given by the Thána Memorialists, both oral and documentary, to the effect that in all the Thána *tálukás* a greater or less area of land, in which cultivators, previous to the Survey customarily lopped trees for *ráb*, was included at the Survey in *gurcharan* or other waste lands, instead of being measured off and entered in the names of those who had thus appropriated them. As a rule these lands appear to have been held in severalty, each usufructuary keeping within certain recognized boundaries; but in rare cases, probably where the total area was too small to admit of such allotment, the available lands were shared in common by all the cultivators. In the *tálukás* in which the Survey Settlement was introduced before the Committee of 1863 first proposed a systematic demarcation of forests, it is probable that the only reason why such lands were not included, with other *varkas* lands, in occupied numbers was that the people themselves were disinclined to claim them, fearing to incur liability to pay assessment, and thinking that whether included in their holdings or not, they would be allowed to exercise the same privileges in them as before, or they may possibly not have understood that it was intended that *shindád* lands used solely for *ráb* purposes and not ordinarily cultivated, should be included in occupancies and subjected to assessment. In the *tálukás* settled after the Committee of 1863 had urged the necessity of forest demarcation it seems likely that lands well covered with trees and suitable for formation of forest blocks would have been in many cases left unassessed and unallotted, notwithstanding the fact that such lands had previously been used by cultivators for *ráb* purposes. But Mr. Pándurang Hari Phátak admits that in Dahánu, which was settled after 1863, "those who asserted their claims to the *shindáds* got them measured off at the time but that those who failed to do so lost them." And he also says that "people who knew about the proceedings of the Forest Committee of 1863 saw the necessity of being particularly careful to see that their *varkas* was not retained by Government at the time of the Survey." Similary in the Kolába inquiry several witnesses have stated that at the time of the Survey they could have got as much waste land as they liked, even the whole of the area now set aside as *gurcharan* entered in their names.

Whatever the cause, however, it may be taken as proved that in many cases such lands remained unallotted. In Máhim especially this seems to have been the case, for we are told (*vide* Thána Witness No. 51) that "in 1875 the *námlatdár* of the *táluka* issued a notification under the Collector's orders calling upon all rayats who complained of their lands having been included in the *gurcharan* or *parigh* to present their petitions within a month," and that in consequence "about 6,000 petitions were filed," which apparently have up to date remained undisposed of.

It is clear also that the people continued to exercise their customary user over such lands without interruption whether authorized to do so or not under the terms of the settlement, until the inclusion of such lands in forests led to restrictions being placed on its use.

Do you consider that the allotment of *varkas* land made at the original Survey Settlement was a complete commutation for the *ráb* user exercised by the people previous to the Survey in the waste lands of the different villages both as regards the cultivators who had such lands allotted to them, and those who from whatever cause had no such lands assigned to them?

Presuming that additional provision for *ráb* is now found necessary there is one way of meeting the difficulty (caused by destruction of trees in occupied lands, and perhaps in a less degree by insufficient allotments of *varkas* in proportion of rice land at the Survey) which seems to offer a fair chance of success.

As explained above it may be assumed that there is a considerable area of land scattered throughout the Thána District and set aside at the Survey as *gurcharan*, *rán rakshan gurcharan*, village reserves, &c., over which before the Survey, cultivators had a *ráb* user, which user has been continued, whether authorizedly or not, with little or no interruption, up to the present time. Of this area a certain proportion—how large or how small there are no data at present to decide—has now, in the *tálukás* of which the Forest Settlement and Demarcation is complete, been finally included in Reserved forests: under the privileges sanctioned in the Reserved forests of the settled *tálukás* cultivators may help themselves to all shrubs worthless for other purposes than *ráb*, may cut grass, and collect reeds and leaves in the unclosed portions, and with the permission of the Divisional Forest Officer in the

closed portions also of the reserves. The cultivators of forest villages which contribute land to a forest block may also, on the annual clearing of any compartment, cut and remove for *ráb* all the twigs and small branches of the trees to be felled, which are not required by the Forest Department for manufacture into fuel. But they are, or will be when the settlement is strictly carried out, prevented from lopping any of the ordinary *ráb* trees, such as *ain*, &c., throughout the rest of the Reserved forest. Roughly speaking the area in which in any one year twigs and branches of trees may be obtained will be only $\frac{1}{40}$ or $\frac{1}{50}$ of the total area of the block. It is obvious, therefore, that under this system the supply of *táhál* or tree loppings available for the cultivators from the lands now included in forest, will in future be very much less than that hitherto obtained by laying under contribution all parts of the block within a convenient distance from cultivated fields. The deficiency may in some localities and to some extent be met by more fully utilising than has hitherto been done the privilege of cutting shrubs such as *ukshi, dháyati* and *phángla*, which are known to yield excellent *ráb* material. But the supply of *ráb* material of this description available from the forests for each village can only be estimated after careful local inspection in each case. Assuming however that there will be a deficit in the annual supply of *ráb* owing to stricter protection of the forests, the question is how such deficit can best be met, with reasonable regard for agricultural interests, and with a minimum of damage to the Reserved forest area. It will be generally admitted that the trees, such as *ain, nána, bonda, dhávda*, &c., *now* growing in the areas frequented by the *ráb* cutters, are, owing to the long course of hacking and lopping to which they have been subjected, practically worthless as timber. The tree-growth in such lands will be of no value, except as firewood, until after a clean felling a fresh growth has taken the place of the old crooked and pollarded trees. Until, therefore, a clearing of any compartment containing such trees has been effected under a working plan, there would seem no objection, on the score of forest conservancy, to allow the old *ráb* trees to yield whatever can be got from them in the way of *táhál*. Probably the revenue got from firewood would be to some extent diminished by such a concession: but this is a consideration which should not stand in the way if the concession be otherwise reasonable and necessary.

Under the working plan system which will be introduced as soon as the necessary surveys and valuations can be completed from 40 to 50 years will probably elapse before all the compartments in a forest block have been cleared in their turn and closed for reproduction. As soon as the old growth of trees has been once cut down the privilege of lopping trees for *ráb* will necessarily have to be withdrawn, if the forest is to be made to yield the maximum supply of produce. It is clear, therefore, that under the plan here proposed the privilege will be a gradually contracting one, reaching its vanishing point after some 40 or 50 years, giving its maximum yield to-day, when the occupied *varkas* lands have, it may be hoped, reached their worst stage of denudation, and not being finally extinguished until ample time and opportunity has been given to cultivators to re-clothe their lands with *ráb* yielding vegetation. Should self-interest be insufficient to induce occupants to plant and preserve trees in their own lands, the measures which will probably be deemed expedient to take to check, either directly or indirectly, the cutting of trees in occupied lands for sale or trade purposes may be expected to secure the end in view; and by the time the Reserved forests are finally closed against lopping trees for *ráb* the occupied lands should be in a condition,—as indeed they now are as a rule in the villages coming under the Kolvan and Dahánu settlements, which preclude sale of trees by occupants,—to fulfil the chief object of their original allotment, *viz.*, the supply of the necessary *ráb* material for the cultivation of the rice fields with which, by the custom of the country, they are or ought to be inseparably connected.

By this scheme all cultivators who now hold a sufficient area of *varkas* land to yield, if the tree-growth is preserved, a sufficient supply of *ráb* material, will be *gradually* and rightly thrown on their own resources. At the same time a large quantity of *ráb* material now available in the forests, which would otherwise be wasted, will be turned to profitable account without appreciable injury to the forests, though possibly with a trifling loss of revenue from firewood.

The case however of those occupants of rice lands who hold no *varkas* land at all, or an area insufficient in proportion to their rice-cultivation will have to be considered separately. Under the plan proposed such occupants will probably have no difficulty, at any rate for some years to come, in getting *ráb* from the open forest area. But as this area gradually contracts, year by year, such cultivators having no land or insufficient land of their own to resort to, will have to be otherwise provided for. Even after all the compartments in a forest block have been cleared and closed in turn under a working plan there will probably be no objection to allowing—over the greater portion of the Reserved forest area—the same privileges as regards cutting shrubs, and removing grass, reeds and leaves, as are now given. The question is whether the supply of *ráb* material thus available, plus that to be got from the annual compartment fellings, protected forests, if there be any, and other waste lands excluded from forests, will suffice to meet the wants of those who hold no *varkas* or insufficient *varkas* of their own. If their wants can be so met no further allotment of *varkas* lands for *ráb* would be necessary or expedient, and no revision of any recent demarcation work would be required. If on the other hand it should appear that the supply will be insufficient, some additional allotment of *varkas*—to be determined according to the special circumstances of each village and each holding—would clearly be necessary.

Assuming that such further allotments are found necessary, the further question arises as to the principles on which such allotments should be made and the precautions which would have to be taken to guard against the exhaustion of the supply of *ráb* material in the lands so allotted.

The following way of dealing with this question has been suggested :—

The Survey Officers now at work in the Thána District should revise the assignments for *ráb* at the Revision Survey on the following principles :—

1. If the land to be turned into *ráb* plot should happen to be included in the Reserved forest, it should be disforested. It is expected that the work of Revision Survey in Thána will be completed by 1891-92, so in about five years the work of assigning *ráb* plots throughout the district will be completed and finally settled. If a special Settlement Officer were engaged he could not do it in less time and there is every chance of the work being done more satisfactorily, as the Survey Officers will settle the *ráb* area after taking into consideration the requirements of each cultivator for whom provision has to be made. In the *tálukás* where the *forest* demarcation has been completed the work of assigning *ráb* plots for village use can be carried on independently of the Forest Settlement Officer ; but in the districts where the forest demarcation has not yet been undertaken the demarcation officer and the officer in charge of the survey party can work conjointly and settle the areas to be set aside for growing *ráb* materials.

2. In selecting the *ráb* plots the following points should be carefully borne in mind :—

(1.) The areas demarcated and sanctioned to be treated as Government Forest before the passing of the Forest Act should generally be held as unavailable for *ráb* assignments. In this will be included all the old forests of the district, namely, the forests conserved by Dr. Gibson, those demarcated by Captain Lloyd and other assignments made by the Survey as *Sarkári rán*.

(2.) That the *ráb* material available from the disforested waste lands of the village should be first taken into consideration and if the supply forthcoming from such area is sufficient no further area should be added to it from the Reserved forest.

(3.) In estimating the supply of *ráb* which has to be provided from any particular village forest, the *vahivát* of the inhabitants of other villages, if found to exist, should be taken into consideration.

(4.) If the estimated area required for *ráb* plantation be in excess of the available waste lands of the village, excluding of course the old forests described in clause 1, then all the available area should be devoted to *ráb* and the villagers must make the best they can out of it. They will not be allowed new *ráb* privileges in neighbouring forests in any case.

(5.) In estimating the area of *ráb* plots, its present denuded state should be ignored. The estimate should be based on the capacity of the land to grow *ráb* trees. If the *ráb* plots now happen to be bare it is presumed that they will, if well cared for, yield *ráb* material at its full estimate in 5 or 10 years, and it will be possible to give this temporary relief to the *ráb* plantations by allowing the rayats to resort to the unfelled compartments of the Reserved forests.

(6.) Similarly the area of *varkas* turned into *tari* since the time of the Survey should be ignored as it is presumed it will be classed as *bháti* or superior *varkas* at the Revision Survey. The cultivator might in such cases be fairly required to buy his *ráb* material or avail himself of any other mode of cultivation.

3. Having formed the *ráb* plots as described above it is proposed that they should be managed by the Revenue Department subject to the advice of the Forest Department. The working of these plots should be regulated by suitable rules under Section 44 of the Land Revenue Code.

4. In framing the rules the following points should be attended to :—

(1.) That the proceeds of *ráb* forests, if any, will be credited to the Revenue Department ; the establishment necessary for their protection will similarly be debited to the Revenue Department.

(2.) That the principal object of protecting the *ráb* forests is not to make revenue out of them but to afford a never failing and, if possible, an improved supply of *ráb* materials for the use of the agriculturists.

(3.) Although the main object of these forests is not to make revenue, they must be self-supporting. The holders of allotted *varkas* have to pay for enjoying the privilege of using the *varkas* lands for *ráb*. It would not therefore be unjust to levy a small fee on head-loads of *ráb* material removed by the agriculturists who have to resort to the *ráb*-forest. In the case of persons who are half provided with allotted *varkas* lands, this fee might also fairly be halved. If there be more *ráb* material than is necessary for those for whom the provision is intended it might be sold to any one at market price. The timber growing on *ráb* lands

should also be felled in rotation and sold in small lots for the use of the local inhabitants.

(4.) The revenue so derived should be devoted to—

1. The maintenance of protective establishment.
2. Improvement of *ráb* forest such as by importing and sowing plants which are most suitable for *ráb*.

(5.) The protection should ordinarily be entrusted to the village officers and village watchmen. Where the remuneration is likely to be considerable a separate Forest *patil* and one or two special watchmen should be appointed from among the members of the village community. In special cases it may be necessary to employ stipendiary servants on higher pay.

(6.) The lopping should be conducted in all cases according to the advice that the Forest Department may tender from time to time.

(7.) Wherever possible the work of distributing the material and deciding the rate of fee which should be levied from a particular individual should be left to a village *panch* headed by the *pátil*. Except in very gross cases the decision of the *panch* should be final.

(8) The breach of any rule should be made punishable by a fine, but the repetition of the breach or breaches should be visited by a withdrawal of the privilege of using the *ráb* plot for any prescribed period.

5. It is unnecessary to make any *permanent* provision for supplying *táhál* to those cultivators who at the present day hold a *sufficient area* of *varkas* in proportion to their rice cultivation. If such lands are now bare and can ill afford the necessary supply, the rayats have to thank themselves for such a result. Government cannot be expected to assist them by further assignments or by permanent privileges. To strictly close the forests against them *at once* would however cause discontent which it would be desirable to avoid if possible. They might clearly be given to understand that in future they must either grow their *ráb* material on their *varkas* or buy it at market rates of the Forest Department or private individuals; but the reboisement of the denuded lands will take some time, at least 5 or 10 years. In this interval the holders may, as an indulgence, be allowed the necessary *táhál* from the unfelled compartments of Reserved forests, or the branches of felled timber at any compartment felling.

Q. IV.—You are requested to state whether the plan above described will in your opinion be likely to work satisfactorily. If you think it preferable—should additional allotments of *varkas* land for *ráb* have to be made—that such lands should be measured off and assigned to *individual* occupants according to their needs instead of being shared *in common* by those for whose benefit they are intended, please state what conditions you would impose with a view to prevent the object in view—*viz.*, a permanent supply of *ráb* material—being defeated.

Answers.

Mr. Loch :—"The non-forest villagers exercised a *ráb* user in the lands of neighbouring forest villages, and I do not think that this fact was taken into consideration at the Survey; therefore as far as this class was concerned, there was not a commutation of their *ráb* user. The commutation may have been imperfect in some forest villages, but I cannot, speak confidently on this point. I approve of the suggestion that the areas now open to the *ráb* cutters should remain open to them until they are cleared in the ordinary course of forest operations. This concession would give great temporary relief, and the pecuniary loss to Government would not be heavy."

"It is probable, however, as pointed out in the question, that it will be necessary to make further arrangements for cultivators whose *varkas* supply is insufficient, and I gather from paragraph 3 of the question that it is intended to acknowledge and provide for the *ráb* user of the non-forest villages."

"I have said in my answer to the circulated questions that I have not much faith in the management of communal property by villagers in the Konkan, and that I am averse to any plan which will throw much extra work on the Revenue Department. I do not think that the scheme proposed in this question could be worked without a very considerable amount of supervision of the Revenue Department. I would further point out that the *pátils* and other leading men of the villages would probably have but little interest in the *ráb* plots, as they would have *varkas* land of their own, and would not be allowed *ráb* from the new plots. They would not therefore form a very effective *panchayat*. Again I do not think that a system under which several villages hold a *ráb* plot in common would answer: it would be necessary to demarcate a plot for each village to prevent disputes."

"I think therefore that if fresh *ráb* plots are to be given the land should be demarcated and entered in the names of the persons to whom it is to be given, the rights given over the land should be similar to those given under the Dahánu and Kolvan Settlements, and a condition should be imposed that the land should not be sold without the rice land for which it was given. I approve of the proposals that the Survey officers should mark out the new *ráb* land and of the principles on which the work is to be carried out."

"I make these remarks with some diffidence, for it is some time since I have been in Thána, and I have hardly had time to think out the question thoroughly. Further I must admit that the plan which I have said that I prefer is not perfect."

Mr. Mackenzie:—"It seems probable that in many cases the allotments made at the Survey were not a complete commutation of the user of *varkas* lands for *ráb* previous to the Survey, partly perhaps through ignorance or apathy of the occupants as to what was being done, partly perhaps to their belief that they would be allowed to do as regards *ráb* just as their ancestors had done from time immemorial, and partly perhaps through the indifference of the Survey parties of that day, one of whose ideas at least seems to have been to get through their job as quickly as possible and remove themselves from the unpleasant and unhealthy Thána climate with as little delay as might be. Non-forest villages, there can be little doubt, exercised a *ráb* user in forests belonging to other villages than their own. I consider the proposal to keep open for *ráb*-cutting the areas now used for that purpose until they shall have been cleared in the ordinary course of forest operations, one which will give considerable relief immediately and for many years to come. The cost to Government will not be great, as trees are admittedly useless for other purposes than *ráb* or firewood, and the plan will give occupants a fair opportunity to get up a growth of trees suitable for *ráb* on their own *varkas* lands."

"In the case of occupants of rice lands who hold no *varkas* or insufficient *varkas* land, I think that further allotments of *varkas* ought to be made. The suggestions as to the points to be kept in view (1—6) in forming new *ráb* plots seem to me to be sound. I am inclined to think that these fresh *ráb* plots, if demarcated, should be made out in the names of the individuals, rather than of the villages, or groups of villages, to which or to whom they may be assigned. If made out for groups of villages there would be quarrels between the villages as to the amounts to be taken, and disputes as to trespass. Similarly if made out for villages there would be difficulties of the same sort between the villagers. The Kolvan Settlement terms should be imposed, and the *varkas* land should not be liable to sale apart from the rice land for which it was assigned. The Survey officers should mark out the new plots."

Mr. Shuttleworth:—"The Forest Committee appointed in 1863, of which the head of the Survey Department in the Thána districts was a member, and the Collector of Thána was another member, reported at the time that the privilege which had been exercised by the people of cutting *ráb* material in the forests had been commuted by regularly assessing the lands over which the privilege had been exercised, and by giving them out to survey occupants with full rights of disposal of the unreserved trees. The Revenue Commissioner concurred in this view, and the Government of the day admitted its correctness, and I have found no reason for coming to a different decision."

"I do not admit that additional provision for *ráb* in the shape of branches of forest trees is now found necessary, and I venture to urge that the balance of the evidence upon the question goes to prove to the contrary. The Director of Agriculture has written a report every year for the last three or four years upon *ráb*, and will be able to advise upon the point whether it is necessary for the successful cultivation of rice that boughs should be taken for *ráb*, forest trees being ruined and forest deterioration promoted thereby. At all events, whatever his conclusions and the opinions of others may be upon the matter, there are a few facts which are very hard to get over."

"First, that the use of branches of trees for *ráb* varies directly with the absence or presence of forests. In parts of the Thána Collectorate no branches or brushwood is used. In parts of the Ratnágiri district where there are no trees to lop boughs are not used and yet *ráb* obtains."

Mr. Mulock, C. S., reports that throughout the Bulsár and Párdi *tálukás* *ráb* is extensively practised under the name of 'adhar,' but he has never seen bough *ráb* used. The cowdung, sweepings, rice husks and general dirt of the village is spread over the seedling bed or nursery and burnt, and he has never seen a tree lopped even in the Government forests of Gandevi, and this seems to prove conclusively that however necessary *ráb* may be for rice-growing, bough *ráb* can be done without, and consequently lopping of Government forests can be avoided. The thrifty Gujaráti has trees—*bábhul*, mango, *vad*, &c.—but he does not lop them for *ráb* purposes. He collects the refuse of his farm, of the village generally and of his cattle-pen, and he burns it in his rice seed-bed; and a shrewd Surat landowner, of whom the enquiry was made why he did not burn boughs, replied tersely, 'why, Sir, the bough *ráb* used as they do in Thána would cost me Rs. 50 per seed-bed.'"

"The conclusion that generally speaking *ráb* is confined to districts of heavy rainfall, from 80 to 100 inches and over, is fallacious. Kánara has a very heavy rainfall, but there no *ráb* is employed. This however does not falsify the above contention. In the Surat district, however, where *ráb* is employed, the rainfall is comparatively light. In the Mándvi *táluka*, where *ráb* is used, the rainfall is only 47 inches. And in parts of the Deccan not far from the Ghâts, where *ráb* is used—branches if they can be had—the rainfall is much lighter than 46 inches. Take the country about Mahábaleshvar for example. The rainfall on the Ghâts is over 250 inches; 11 miles inland at Pánchgani, a hill station, it is 52 inches, and at Wái, not very much further away from the Ghát edge, but in a valley, the rainfall is 26 inches. There-

fore the implication that generally speaking branches must be used for *ráb* in a country of heavy rainfall has no *locus standi*. When on the one hand it has been officially recorded 23 years ago by the Revenue and Survey officers who were specially appointed to inquire into this, among other questions, that the *ráb* user exercised in the forests had been commuted by the grant of the lands, and on the other hand when there is every day evidence that rice is cultivated with considerable profit under the *ráb* system, but without branches and other ligneous vegetation being used for *ráb*, what necessity can there be for permitting trees in the forests to be lopped of their branches to provide materials for *ráb?*"

"It is interesting to find that so far back as 1856 the necessity of burning branches and brushwood upon the rice lands of the Thána district was questioned by Government in Resolution No. 3370 of 1856. The following remark appears :—

> His Lordship in Council cannot but think that the practice of manuring the rice lands with wood ashes * * * may have its origin quite as much in the gratuitous terms on which the fuel has hitherto been obtained as in the absolute necessity of supplying wood ashes to the soil."

"It has been stated in the evidence given before the Commission that the consumption of firewood by the people of the Thána district is equal to 15 lacs of candies, or say 500,000 tons annually. In order to obtain an annual yield of firewood up to this quantity to supply the requirement of the district, leave alone the outside markets, which to a very great extent depend upon this afforested district for supplies and must not be starved, it is necessary that there should be a very large area under tree-growth. The leaves attaching to the trees, branches, &c., which are cut yearly to provide the 500,000 tons of firewood for local consumption, furnish a prodigious quantity of *ráb* material. Besides this are the leaves, branches, &c., of the trees which are felled to meet the demands of the Bombay market in firewood, and of the trees which are felled to provide timber for foreign markets and local supply. If the leaves of a full-sized tree were to be placed side by side upon the ground they would cover a surface of five acres, and therefore the quantity of leaves that would come off the trees which are cut to produce one year's firewood supply of the Thána district would cover very many square miles of surface. Fallen leaves from trees upon occupied lands contribute very largely to the *ráb* supply, or supply of manure, and dry leaf manure enriches the soil to a very great degree, since it is made up of those very materials of which the inorganic substance of former races of vegetable growth had been almost entirely composed. Under a proper system of working the Reserved forests whereby a certain proportion of its total area distributed in several compartments or coupes over the different *tálukás* will be under working by the axe annually, the outturn of small branches, leaves, &c., the produce of the trees which are felled in the forests will be very considerable, and to this may be added grass to be cut and taken from the forests, and the vegetable matter removed from the *varkas* lands in the district, whose area is very considerable."

"For many important reasons it is necessary that all the hill slopes in the Konkan should be protected by forest. If floods occur the consequence becomes disastrous to the rice cultivation carried on in the valleys below the hills."

"A plan to gradually work out the lopping of trees for *ráb* in the forest, such as is proposed, does not commend itself for several reasons. The forest lands of some villages will necessarily be closed against lopping years before the lands of other villages are closed against it, and this will keep discontent alive, when the inhabitants of the village to which the closed forests belong see the people of other villages close by lopping trees in the forests while they themselves cannot do the same, they will petition and clamour and do exactly as they have been doing for the past 20 or 30 years, and this will increase the difficulty of protecting the compartments to be closed against lopping under the scheme. The scheme postpones instead of grapples with the difficulty. When a restriction is to be applied it should be applied at once equally against all. The supply of firewood will be diminished by the *ráb* lopping proceedings, and it is highly probable that long before all the sub-divisions of a forest block have come under the axe, the junglewood in the open forests will be destroyed entirely, and some arrangement will consequently have to be made to meet the demands of firewood, and the only arrangement possible will be the cutting of immature trees in the closed blocks. Thus the entire working plan of the forest blocks will be disarranged. Then again no new growth of junglewood will be allowed to come up in the forest open to the lopping of trees, for it will be cut down as fast as it may appear, and the teak tree will suffer also, for it does not thrive unless closely intermixed with other kinds of trees which retain their leaves while it is itself bare of leaves, and thus for another 40 or 50 years improvement will be shelved and deterioration will be going on."

"The second plan of forming *ráb* plots will lead to the disappearance of a considerable portion of the State forests, *to the sacrifice of very valuable property and to the sacrifice of a considerable revenue,* AND ALL WITHOUT THE SLIGHTEST REASONABLE CAUSE. The protection of these *ráb* plots will become nominal, and their complete denudation will be but a work of time, despite any elaborate rules that may be made to the contrary. The Director of Agriculture has already recorded as one of the deductions obtainable from his *ráb* experiments that if the full value of the materials used for *ráb* is charged to the cost of the cultivation, rice cannot be grown with profit, and further, that a considerable export trade in rice obtains from the Thána district, and I submit that for these reasons, and also looking to the fact that in the adjoining district of Surat rice is now cultivated, and has been cultivated for years

past, with the employment of *ráb* consisting of grass, sweepings, cowdung, &c., and without branches of trees or brushwood, that the same mode of rice cultivation obtains in different parts in the Thána District and other portions of the Konkan and that in many other directions, Kánara, for example, with its heavy rainfall, rice is cultivated without any *ráb*, the forests should not be immolated upon the funeral pile of miscalled "*profitable rice cultivation.*" If the hills are denuded, as they most certainly will be under the system of *ráb* plots, the yield of rice throughout the Collectorate will be seriously diminished, and many rice fields which are now highly productive will become barren. A correct scheme of forest demarcation for the Thána Collectorate should include all the main hill ranges and slopes, the lower boundary line of the reservations coming well down below the base line of the hills, and it should also take in the timber covered lands now in forest. When this has been accomplished a considerable area of the existing Protected forest in each of the unsettled *tálukás* of Sháhápur, Murbád, Váda, Máhim, and Dahánu will be outside the reservations, and these lands may, as Government may please, be given out to survey occupants, not for cultivation, but on the condition as regards trees that none are to be cut without permission. It should never be forgotten that a large share of the Thána Collectorate drains into Bombay harbour, and that if the hill slopes within this drainage basin are denuded of trees, the soil upon them as also from the lands below will be scoured off by the off-flowing rain water, and will be deposited in the harbour to impair the great natural wet dock of the British Empire in the East, by adding to existing shoals, by forming new shoals and decreasing the depth of water generally. The Prince's and other docks and the foreshore of Bombay will be attacked continuously, as they have already been, by silt, and the magnificent tidal channels of inland navigation which the Collectorate now possesses will be destroyed, as has happened to those of the Ratnágiri Collectorate."

"All the demarcated forests should be blocked and sub-divided into compartments, and one or more sub-divisions of each block should be worked yearly, the reserved trees or standards being marked and the remaining trees sold standing to contractors. These men will distribute the material far better than Government can arrange. They will necessarily employ the wild tribes and the poorer villagers, thus giving constant employment throughout the working season, say from the end of August to 10th June, to all those who now subsist upon the forests in felling, cutting, hauling and stacking, carting, &c. A very large quantity of leaves and twigs, branchlets, and small boughs will be available for *ráb* purposes, and the contractor will gladly dispose of it to the villagers. A very large amount of firewood will be provided, and there will be building timber, teak and junglewood of all kinds and classes in abundance."

"In addition to the above-mentioned supply of materials for *ráb*, there is the grass of all the Reserved forests, save of those in which the grass is sold by auction for cutting and removal, and their number is very small. Before conceding any privileges of lopping trees and taking brushwood for *ráb* for rice lands from the forest, it should be remembered that the highest authorities on the subject have recorded that the cultivators have absolutely no claims upon the public forests for *ráb*."

"The head of the Revenue Survey Department in applying the Survey Settlement to the Kalyán *táluka* reported (Captain Francis' report No. 128 of 11th March 1859) 'all the culturable *varkas* lands and the steeper slopes of the hills from which the grass and brushwood required for *ráb* for rice fields are taken have been divided into survey numbers', and that, 'not only the *varkas* lands under cultivation, but those which are set apart for *ráb* have been entered in the names of their owners and consequently shown under cultivation.'"

"In the Murbád *táluka* the same state of thing was recorded (Captain Francis' report No. 21 of 1860), and because the *varkas* lands were utilized, more for the purpose of furnishing *ráb* to the rice fields, a reduced rate of assessment was placed upon them. In the Bhivandi and Bassein *tálukás* the cultivators were especially warned by the head of the Survey Department at the introduction of the Survey Settlement that they were not to cut *ráb* in *gurcharan, ránrakshan gurcharan*, &c., and that *all waste land was to be used only for the purpose for which it was set apart.* Thus the Survey Department clearly recorded that all waste lands registered as *ránrakshan* were assigned for forest conservancy, and that which was registered *ránrakshan gurcharan* for forest conservancy with grazing, absolutely forbidding any lopping or mutilation of trees and cutting of ligneous vegetation upon such lands. At the time of the Murbád and *Kolvan* settlements the Revenue Survey Department placed on record (Major Waddington's letter No. 496 of 22nd September 1866) that the village *reserves were not intended to supply ráb.* When the Survey Settlement was applied to the Sháhápur *táluka*, the Superintendent of Revenue Survey sent out a notice intimating to the local Revenue officers the conditions of the Survey Settlement, in which it was enjoined that survey numbers which are set apart for Government forest or for any other purpose are not to be used by the people for purpose other than assigned, and he further stated that *varkas* lands which up till then had not been measured, and for which cultivators had been in the habit of taking *ráb* material without payment had now been measured and assessed and entered in the survey records in the names of the people who had hitherto been in the habit of taking *ráb* from these lands."

"It will be seen from the above that the assumption embodied in question IV that in all the Thána *tálukás* a greater or less area of land in which cultivators previous to the Survey customarily lopped trees for *ráb* was included at the Survey in *gurcharan* or other

waste lands, instead of being measured off and entered in the names of those who had thus appropriated them IS ABSOLUTELY INCORRECT."

"In the face, then, of the two admitted and proven facts, first, that the people have no claims upon the forests for *ráb* materials, any claims that they might have had having been commuted long ago; second, that rice can be grown without the burning of branches and bushes upon the rice fields; and bearing in mind that the practice of *ráb* cutting is fatal to trees and to forests—Mr. Atkins, Assistant Collector, in his reply to the questions of the Forest Commission, has stated that during the past seven years, although the destruction of the leading shoots of the trees in forest lands which the cultivators have been permitted to lop for *ráb* has been steadily prohibited, yet so little success has attended the prohibition that he doubts if one tree in a thousand of those lopped for *ráb* in the inland *tálukás* of the Thánâ Collectorate escapes annual pollarding—and also remembering that the WANTON destruction of forests has entailed barrenness and aridity on countries renowned in former times for their fertility, that along with woods, springs and rivulets disappear and cease to water the parched land, that the actual temperature of a country is by the destruction of its forests very sensibly increased, and the rainfall and atmospheric humidity in consequence diminished, and that the rain gradually washing away the vegetable earth from the sides of denuded hills, condemns them to sterility, while the hills no longer able to retain and regulate the flow of the water that falls upon their slopes are scored by deep gullies formed by impetuous torrents, while the beds of rivers are at one time dry and at another filled by sudden and short-lived floods, and that the earth removed from the hills is deposited in the beds of rivers and harbours, I submit for the earnest consideration of the Commission :—

(1).—That no diminution of the existing afforested area as is suggested by plan No. 2, which will exclude hill slopes from forest conservancy, can with due regard to the *public interests*, be permitted in the Thâna district, *even* it had been shown, which has not been the case that for the existence and maintenance of rice cultivation it was necessary to give up to its consuming fires a further portion of timbered lands.

(2).—That the continued destruction of trees and further deterioration of forests which will result from the adoption of plan No. 1 cannot for the same reasons be tolerated.

(3).—That it be recommended that the reserved forests may contribute to *ráb only* such materials as the forests can afford to give compatibly with their maintenance in the highest state of efficiency under a scientific system of working."

Ráo Bahádur K. M. Thatte :—"As regards the cultivators who have either no *varkas* or insufficient *varkas* it will be a very good thing to make fresh allotments to such cultivators, and in considering the wants of each holding or each village it will be necessary to prescribe the minimum area of *varkas* necessary for supplying *ráb* materials fixed by competent authority for the guidance of the Survey officers doing the allotment work. It is needless to say that all these old and new allotments of *varkas* will be under the sole supervision of the Revenue Department if not that of the holder himself. But there is one thing that requires specially to be considered in connection with the new allotments. I presume that the rates of assessments on the new allotments will be the same as those on the old allotments. The new allotments will be burdened with conditions and restrictions, whereas the old allotments are quite free of such restrictions and conditions. The holders of new allotments, therefore, will have a reasonable ground to complain against the measure. The only alternative that suggests itself under these circumstances will be to disforest lands wherever necessary for *shindád* purposes and keep them as communal property free of any assessment under the supervision of the Revenue Department subject to the restrictions and conditions as regards sale of forest produce therefrom."

"Undoubtedly it cannot be said that the allotment of *varkas* land made at the original Survey Settlement was a complete commutation for the *ráb* user ever since exercised by the people previous to the Survey in the waste lands of the different villages both as regards the cultivators who had such lands allotted to them and those who from whatever cause had no such lands assigned to them. Because in the first place the allotments made do not seem to have been made under any fixed scale laying down the necessary minimum of *varkas* to an acre of rice land. Again if the idea of complete commutation had regulated the operations of the Survey officers of the original Survey they would never have omitted to make at least the necessary minimum allotments in *all* cases."

Mr. Ebden :—"In reply to the first portion of the 4th question which asks whether the allotments of *varkas* land made at the Survey can be considered a complete commutation for *ráb* user, I answer decidedly in the negative."

"The reasons given by the Commission for this result are exactly in accordance with the opinion I formed when studying the revenue and forest history of Thâna."

"And at the outset I wish to state emphatically with regard to this subject that in my opinion the misuse of the term *varkas* for *shindádi* was originally at the bottom of the whole mischief; that it still creates confusion in the mind of the rayat and that the sooner the proper use of these two words is insisted on the better."

"I would observe that on what follows I assume that *ráb* has been decided to be necessary and that provision must be made for it. Having once abolished the term *varkas* as applied to *shindádi* land, and having once gained a clear comprehension of the fact that the

former term applies to cultivable land and the latter to land that contains material cut in the shape of *táhál* for *ráb*, it is easy to understand that the whole of the present *varkas* allotments must not be looked upon as a source of *ráb* material, although a large proportion of them may be classed as *shindádi* land."

"Therefore before deciding whether any particular rayat has a sufficiency of land for the yield of his *ráb* material it seems to me necessary in the first place to decide how much of his *varkas* land may equitably be classed and treated as *shindádi* under the provisions which I have referred to in my answer to question I (*vide supra* page 313)."

"It is also necessary to come to a definite decision regarding the proper proportion that should exist between the areas of the land requiring *ráb* and the land providing it. I am inclined to think that very extravagant estimates are formed on this subject, and that if the proper conservation of the land that should supply the material be enforced a final result not exceeding acre per acre on the average might be reached."

"Having effected these two objects you will be in a position to estimate the extent to which additional provision for *ráb* is required."

"I may say at once in answer to portion of the question that in my opinion the assignment of measured lands to individual occupants for this special purpose is, at this date, impossible, unless the extreme measure of the resumption and redistribution of all occupied *varkas* and *shindádi* lands could be undertaken. I imagine that this idea must be put aside as impracticable."

"The main object ought to be to make provision for *ráb* outside the forest area, maintaining the principle laid down long ago that the privilege should be taxed. This principle appears to have been lost sight of here and there in the remarks that have been forwarded to me by the Commission, but is apparently asserted at the foot of page 25 of the manuscript (*vide* paragraph 4, clause 3 of the question at page 323)."

"It would be at variance with this principle to make this user of the forest a free one in perpetuity, though 'shrubs and grass and leaves and reeds' were to be the only material allowed to be removed; or to permit the free enjoyment of the privilege in Protected forests and other waste lands excluded from forests."

"But I quite agree with the plan under which the privilege would be allowed to continue temporarily in forest limits pending the recovery of occupied *shindádi* lands and the preparation of other provision."

"Under the plan described by the Commission the privilege would be exercised in a gradually contracting area: but at the same time the demand on the forest for *ráb* would be contracting too if proper measures be enforced to increase the supply on private lands; and there seems no reason to suppose that it will be required to be exercised in the forest for so long a period as the 40 or 50 years contemplated by the Commission. A term of years should be allowed sufficient for the *shindádi* lands to recover, and during that time the exercise of the privilege may be allowed in the forest and strictly forbidden in the *shindádi* land. The assessment on the *shindádi* land would have to be paid during this time and should be accepted as a tax on the privilege exercised temporarily in the forest."

"At the expiration of the term of years so fixed entry to the forest would be denied and the cultivator would be thrown back on his private supply."

"In arranging in what blocks the cutting for *ráb* might be allowed under this plan, regard must be had to the necessity of not unduly diminishing the supply of small firewood in those blocks which are selected for the next *coupe* under the plan for firewood supply."

"With regard to the matter of providing a source of *ráb* supply for those who hold no or insufficient *shindádi* land, I agree with the plan suggested in the question for the formation of '*ráb*' plots. The assignment of communal *ráb* plots, with assessment levied rateably on the people using them was suggested by myself some years ago, but was rejected by Government on the understanding I believe that sufficient supplies of *ráb* material might be obtained by purchase and privilege from the forest. I am still of opinion that the plan is the best way out of the difficulty."

"It strikes me to make the following comments on the plan described in the question forwarded to me by the Commission."

"If the Protected forests and lands thrown out of forests afford a supply of *ráb* material, and the area is not required for other purposes, such as free grazing, by all means let them be used as *shindádi* lands. *But*, one of two things must be done—

(1) either these lands should not be taken into account at all in making a final *ráb* settlement, *i.e.*, the *shindádi* area should be fixed independently of them or of such portion of them as it is intended to exclude from it, and when the *shindádi* area is ready for use the privilege of free cutting for *ráb* should be stopped in all outside lands;

(2) or assessment in some form should be levied on the exercise of the privilege in them, *i.e.*, they should be put on the same footing as a '*ráb* plot,' and in fact should constitute a '*ráb* plot.'

I quite agree with the suggestion that the selection of land for '*ráb* plots should be carried out by the officers of the Survey Department, but on the understanding, that as definite rules as possible are laid down for their guidance as to the quantity of material required per acre, and the average area of land required to produce it: otherwise there is danger of excessive selection."

"I agree or differ as far as below stated with regard to the points mentioned for bearing in mind in selecting the *ráb* plots :—

(1) The old forest area need not necessarily be held to be unavailable. Probably much of it is better suited for the growth of the shrubs used for *ráb* than for raising timber.

(2). It is not quite clear whether the Commission mean that the disforested waste should be constituted a '*ráb* plot' if the supply from it is sufficient. I have already referred to this matter, showing that the question of assessment arises.

(3). I agree that the existing *vahivát* of other villages should be considered in calculating the supply available in the limits of a village.

(4). I consider that the opinion of the Forest Department should be sought as to the appropriation of old forest area to the purpose, before finally deciding that the best must be made of lands lying outside it [*vide* point (1) above].

(5). I agree that the estimate should be based on the capacity of the land, and not on its present state if bare, or scantily covered. But here I must again refer to the necessity of maintaining the principle of assessing in some form the privilege of taking *ráb* material.

If a direct assessment be imposed on the land that is to be used for the purpose it should be imposed, and exacted immediately on selection whether the land be bare or not.

Pending its reboisement with *ráb* material, such material will be made available elsewhere, and the assessment will be no wrong and should be levied rateably from the persons who will eventually make use of the plot.

Or the assessment might be levied in the form of a cess on the revenue derived from the lands on which the *ráb* material will be used.

Any how it should be levied at once both as an equitable measure, and because it is necessary to institute a fund for expenditure on the conservation of *ráb* plots.

(6). I am doubtful of the equity of excluding from the calculation *varkas* that has been turned into *tari*; *ráb* is I believe used in the cultivation of crops grown on *varkas* lands and the area under *varkas* cultivation will itself have to be considered in calculating the quantity of *ráb* that is required.

No doubt *shindádi vahivát* in the forest has expanded with the expansion of cultivation, and practically no limit has hitherto been laid on it. It is therefore impossible to fix the moment of time in the past when a stop might have been put to the growth of the *vahivát* and to associate that moment with that at which any particular *varkas* land was converted into *tari*, I would therefore make no such distinction as is proposed."

"With regard to the question of the working of *ráb* plots under rules framed under Section 44 of the Land Revenue Code, I agree in the proposal and I agree or differ to the following extent as to the points to be attended to :—

(1). I agree that the proceeds of *ráb* plots should be credited to the Revenue Deparment and that the cost of their protection should be a charge on that department.

(2). I agree that the principal object should be the supply of *ráb* material and not profit.

(3). I agree that the *ráb* forest should be self-supporting, and that it is equitable to derive from it sufficient revenue to provide for its conservation. But I quite fail to see why people already half provided with private *shindádi* land should pay less than others for their proportionate use of the *ráb*-plots. By similar reasoning a man who is fully provided with private land would be allowed the use of the plot for nothing.

I am of course assuming that the plot is intended as a permanent provision for people who have no or insufficient private supply, and that it is not contemplated to allow in it the exercise of those temporary privileges for which provision will be made in the forest.

I also object to the levy of assessment in the shape of a fee on head-loads. The equitable levy of such fees implies an amount of supervision which whould be practically impossible, and on other grounds I prefer either of the forms of assessment which I have already suggested.

It will probably be found advantageous to allow the use of timber from such land for agricultural purposes on special permission, to the *vahivátdárs*, but the liberty to fell and sell it for local use may well be reserved to the Revenue Department.

The *ráb* material should I think be strictly conserved for the use of the *vahivátdárs*, by whom I mean the people paying for the use of the land.

(4), (5), (6), (7). I agree with the proposals regarding the disposal of the derived revenue, the method of improving and protecting the *ráb* forest, and with the assignment to a village *panch* of the duty of distributing the material and deciding disputes.

(8). Breaches of rule should be made punishable by fine, but I do not think punishment by withdrawl of privilege practicable."

"I would add here that I would encourage the occupants of *shindádi* lands to throw their lands into the communal *ráb* plot for the sake of the supervision and protection which they would enjoy and the resulting increase of material. But I would consent to recognize no individual *vahivát* in such lands subsequently. I would also suggest that the revenue derived from the assessment of private *shindádi* lands might equitably be added to the fund derived from the *ráb* plots, and that such lands should be placed under the same supervision as the *ráb* plots."

Mr. Mulock :—" Before the introduction of the Survey Settlement, the plough, hoe, sickle, and pickaxe system of assessment was in force in all the uplands or hill lands of the Thána District. Under these systems the revenue was raised by a tax on agricultural implements, each rayat cultivating where he pleased and as much as he could. But no individual, as a rule, claimed ownership over any particular spot. (See Kolvan Settlement Report, page 418.) If a man had a plough and a pair of bullocks he was charged accordingly. But not until our Survey measured and put down survey marks were definite pieces of ground allotted to particular individuals and registered in their names. All the now called *varkas* lands were formerly part and parcel of the forest; of course, the people resorted to them for *ráb* materials, but I do not believe that they could point out with any certainty the exact limits within which they exercised *ráb* user, as these limits probably changed from year to year; very possibly, as stated by some of the witnesses, a larger allotment of *varkas* from forests would have been made at the time of the Survey had the people demanded them; and seeing the very valuable concession made of the unreserved trees, they may now regret their moderation in pointing out their *varkas* limits. Had they found, however, that they were insufficient for the supply of *ráb* for their *kharif* crops, under Act I of 1865, Sections 14 and 41 they could have represented the matter within two years and had any errors rectified. In Máhim it is stated that there are 6,000 applications for additional *varkas* land undisposed of. This may be true; but I doubt whether there can be any such deficiency of *ráb* material as would interfere with cultivation, seeing that the greater portion of the *táluka* since the Survey has been got hold of by one *sávkár* family, and the original cultivators now, with but few exceptions, have been ousted from their holdings. In Máhim *táluka* this season I saw some cultivators taking dry leaves from the forest in large bundles on their heads three or four miles towards the sea-coast villages for *ráb*. On enquiry from them how the leaves did as *ráb* they said it was very good indeed. In Umbargám *peta*, last hot weather, I marched through the villages of Shirgám, Ambgám, Uplát, Anvir, and Kochái, &c., where the forest consisting almost exclusively of teak, the people were unable to lop them for bough *ráb*. I remarked that certainly one-half of the *ráb* beds consisted solely of leaves and grass, which the cultivators told me answered excellently as *ráb*. I should, therefore, hesitate to now make further allotments of *varkas* lands in Máhim or in other *tálukás*, but I would allow the cultivators free use of the dry leaves and grass in the jungle as their removal for *ráb* lessens the chances of fire in the jungle. Another reason for my being averse to allow further allotments of *varkas* is that we have no guarantee that the cultivator will retain them with his *kharif* land. In fact, from our experience hitherto gained, we find that the rayat in the most improvident manner sells his *kharif* and retains his *varkas* or *vice versâ* sells his *varkas* and retains only his *kharif*, thus defeating the object for which his *varkas* was given."

Mr. Atkins :—"I consider that a complete commutation of *ráb* user in waste land (I use the term waste as equivalent not to useless land but to land not specially appropriated—common land) was effected by the allotment of *varkas* numbers at the Survey in the following cases :—

1. Villages in which sufficient area of *varkas* as compared to the rice THEN under cultivation was marked off. From 2 to 3 acres may be theoretically taken, as sufficient *varkas* in proportion to one acre of rice land.

2. Villages in which some, though theoretically insufficient, *varkas* was marked off, but in which the mode of cultivation is such that little *shindád ráb* is required.

3. Villages in which some, though theoretically insufficient, *varkas* was marked off, but the people are so far advanced in intelligence that they may be taken to have looked after their own interests at the Survey, and waived their claim to the land they did not apply for, taking their chance of getting permission to exercise their former user in the land which they did not wish to occupy because they did not wish to pay for it."

"The proposed scheme is applicable to a few of the less important of the Kalyán forests. I brought these cases to the notice of Government in my supplementary Kalyán forest settlement report, and suggested a scheme like that now proposed, which I

have for a long time had in my mind. The scheme is not applicable to my Mokháda demarcation, nor is it to my demarcation of the forests of Sháhápur and Murbád. I cannot express an opinion about the *tálukás* demarcated by Mr. Lawrence. The necessity for the adoption of the scheme depends entirely on whether a large portion of the land actually used for and wanted for growing *ráb* material has been included in Reserved forests or not. I prefer not to include it in the wilder parts of the district."

"I oppose any re-demarcation of the forests. Perpetual changes of forest boundaries can only cause confusion in the minds of the people. Demarcation cannot be done on the same principle everywhere. The nature of the ground and of the people, the mode of cultivation, the forest in neighbouring villages, all have to be taken into consideration in every village by a demarcation officer and no two men are likely to form the same opinion, if they work separately. Consequently there can be no finality if re-demarcation, which, for the whole district, would take nearly 10 years and would cost an enormous sum of money, is done. Nor do I see what necessity there can be for a re-demarcation if the scheme of the Commission for allowing *ráb* privileges in a large portion of every forest in which there is a demand for such privileges, is adopted. For, as I understand the scheme, there will be no necessity for the additional *ráb* allotments to be used for the next 40 years or so. The fresh allotment of *varkas* might well be put off until the expiration of that period. Perhaps it will be found unnecessary. A man need not be very sanguine to hope that 40 years hence either some substitute for *ráb* will have been found, or else that people will have been induced to use *ráb* material consisting of cowdung, grass, leaves and rubbish and not of the branches of trees. Many of those who write and talk upon the *ráb* subject are fond of repeating an old argument that they believe to be sound. They say cowdung *ráb* is better than *shindád*, but there is not enough cowdung, so *shindád* must be provided. Some years ago I had the same belief, and I set to work to collect statistics to prove what all natives told me, *viz.*, that the villages in which cowdung *ráb* alone was used contained more cattle and therefore got more cowdung in proportion to the cultivated area than villages in which *shindád ráb* was mainly used. My statistics conclusively proved the reverse of what I had intended them to prove, and I consequently altered the belief previously instilled into me by the cultivators. I now believe that in almost every village, in the district, the supply of cowdung, if fully utilized (*which* IS NOT *the case now*, notwithstanding the evidence [1] before the Forest Commission) and eked out with the help of the grass and dead leaves freely granted from the forests, would fully provide for all the *ráb* requirements of the cultivators. I admit, however, that in the wilder parts of the district it would be difficult, owing chiefly to the inferiority of the subordinate agency employed, to induce cultivators to change their method of cultivation at once, and adopt the method already followed in more civilized parts of Thána (where absolute necessity—the absence of trees—has compelled people to adopt less savage methods of cultivation, with certainly no resulting inferiority of the crops); but I am not inclined to think that 40 years hence success in inducing them to do so will not have been achieved."

"(With reference to the above Mr. E. C. Ozanne, Director of Agriculture, in a letter to the Secretary, Forest Commission, stated that he would be glad to be put in possession of the statistics on which Mr. Atkins' conclusions were based as to the sufficiency of cowdung to provide for *ráb* requirements. He further added that much depended on the meaning intended by the words "fully utilized" and that if it was meant that cowdung in almost every village would suffice, if every ounce of it went to the seed-bed, the conclusion might almost be accepted, and there would be enough with the aid of other material than loppings; but if any other meaning was intended, it was necessary that the Commission should have the opportunity of scrutinizing Mr. Atkins' statistics, as they had his. On Mr. Ozanne's letter being referred to Mr. Atkins, he offers the following remarks:—

1. I have not got the statistics now.

2. By 'fully utilized' I do not mean 'used exclusively for *ráb*' as supposed by Mr. Ozanne, but merely 'not wasted'. Most of the cowdung in the jungly parts of the Thána district is allowed to rot in the forests. No care whatever is taken to collect it. This is due (1) to the quantity of brushwood which *hides* the cowdung dropped, and (2) to the large area of the forests, and the fact that enormous numbers of cattle roam about in them at pleasure with no cowherd to follow them, keep them together and collect their cowdung.

The nature of my argument is roughly as follows:—Suppose you have two groups, A and B, of pretty *similar* villages, each group containing the same area of cultivated land, but A containing more cattle than B. In the absence of special

[1] "This evidence I confess astounded me by its barefaced inaccuracy. For years I have been in the habit of walking and riding daily in the Thána forests, and seeing the cowdung of the numerous cattle which frequent them rotting on the ground at the foot of trees which have been or are being lopped for *ráb*. The collection of cowdung (other than that dropped in cattle-sheds at night) is certainly regulated entirely by the scarcity of trees which can be lopped for *ráb*. The practice in parts of the district of sending cattle into the forests at 3 or 4 o'clock in the morning, and in other parts of sending them forth into extensive forests to look after themselves for six months at a stretch greatly diminishes the amount of cowdung available for *ráb*. In other parts on the contrary the entire absence of forests, and the necessity for pasturing cattle in private lands or in grazing grounds of limited extent, makes it as much possible as (owing to the absence of trees to be lopped) it is necessary to collect and utilize (*both for fuel and ráb*) the whole of the far more limited supply of cowdung."—*Mr. J. DeC. Atkins.*

reasons, *e.g.*, larger population and therefore greater *domestic* wants in one village or group than in another, to the contrary we may take it that the cowdung used and absolutely required for purposes other than *ráb* is the same in each group, consequently the *residue* available for *ráb* is greater in A than in B. If that residue, supplemented only by grass, leaves, and rubbish, suffices for *ráb* in B, it ought, if similarly supplemented, to more than suffice in A. When observant officers who have made it their business to specially notice this fact for years, can say unhesitatingly that in A much of this residue is constantly being wasted, the cry that it does not suffice can be met by the answer that it *might*, if fully utilized (*i.e.* not wasted), suffice. Practically of course this answer is not sufficient because we ought to deal with the additional factor of *custom*. The custom of B is to fully utilize : the custom of A is to waste. With an inefficient staff of low paid subordinates we cannot, without causing distress and discontent, compel people to suddenly change even a custom of wasting : but we can and ought to do so gradually. In the civilized parts of the district, about which more information is available and the administration of which superior officers have greater opportunities of supervising, I think it is sound policy to check this wasteful custom, if not suddenly, at all events very much more abruptly than in the wilder parts)."

Mr. Sinclair :—"It is difficult to call this a question at all. It is an essay on the position of certain lands, based on a number of assumptions, not one of which I can concede as regards my district (Kolába), and ending apparently with a proposal that the officers of the Revenue Survey Department are to review my past demarcations for me, and assist me in those remaining to make."

"With all due respect, I consider them and their machinery utterly unfit for either purpose and the whole scheme outside the range of discussion. Nothing that I can say about it can be called evidence, except what I have said already in answer to other questions. I do not know whether the Commission is empowered to ventilate proposals of this sort, but I am certainly neither empowered nor inclined to discuss them."

Mr. Keyser :—"As I have stated in reply to a question elsewhere, I think the Survey authorities at the time of the settlement recorded all rights, of which there was evidence."

Varkas lands, to which there were valid individual claims, were registered in the names of occupants. Those in which communal rights existed were gazetted as forest or grazing, as they were tree-covered or the reverse ; and a note made in the register showing the rights such as 'grazing','taking *ráb*,' 'lopping trees, &c.' "

"I cannot understand therefore how the question [in this district (Kolába) at any rate] as to whether the allotments of *varkas* could take the place of communal rights in waste land could arise. I should meet it with a distinct negative. I look on any plan of redistribution of rice and *varkas* by Survey or other authorities as absolutely utopian, and impracticable, unless the Konkan can be re-made, and pieced together to suit the exigencies of the Forest Department."

"It would take up too much space to discuss the whole of the proposals in question IV *seriatim* at the risk of appearing dogmatic, I will add :—

"I do not believe any arrangement possible, which does not admit of *ráb* being taken from Government forests. A fiftieth or fortieth part of a forest would be so far distant from many lands dependent on it as to be useless for the collection of *ráb* material."

"If the people are to have access now to the whole forest, and their rights to diminish in geometric proportion by only one-fortieth or one-fiftieth a year, it will be a very long time before they feel the necessity of making any *ráb* supply for themselves."

"Purchase of *ráb* supply by head-load I look on as out of the question. The cultivators could not afford it."

"I do not believe the sympathies of the people could ever be enlisted in the *ráb* forest scheme, and that elaborate as it is, it would be found absolutely unworkable."

"You cannot deal with the cultivator as if he were a pawn at chess. He is a sentient being with passions, and as tenacious of his real or fancied vested rights as a salaried official. He is moreover wedded to custom, and not likely to look into the far future, and according to the scheme propounded, as I understand it, for five and twenty years he would be pretty well off, that is, as long as he had half the existing area to go on. It is a misnomer to say the scheme propounded is intended for their benefit, it is designed apparently to keep forests going as a highly paying concern, and yet let cultivation continue as a secondary consideration."

"It is assumed that occupied *varkas* lands, now bare, have been denuded by the occupants. This is a bold assumption, and would be hard to prove."

"I have no elaborate alternative scheme to offer, but I would make these suggestions :—

Whenever *ráb* user or even lopping is guaranteed under the Survey Settlement it must be continued. The word of Government should be better than any bond.

Where such privileges have not been guaranteed they should be limited now, and existing rules require little modification, except that some indulgence is required for non-forest villages. If the rayat finds his supply of *rán* limited, the first law of nature, self-preservation, will incite him to all possible methods for making good the deficiency."

Question V.

Subject.—Extension of Cultivation.

Q. V.—Do you consider that the present circumstances of the Konkan districts make it expedient that further extension of rice cultivation should be directly or indirectly stopped? If so, how would you propose to effect this object?

Answers.

Mr. Loch:—"I think that any large extension of rice cultivation in Thána would be inexpedient, as it would cause a fresh demand for *rán* materials which could not be met. I do not see however how the extension could be checked directly. Under the Dahánu and Kolvan settlements the Collector can prevent the cutting down of trees on *varkas* land, and can thus check the extension to some extent. Further when people find that they cannot get *rán*, for new rice land, they will be pretty sure to cease to make new rice land, or they will try some other system of rice cultivation, and thus the required end will be attained."

Mr. Mackenzie:—"If possible it would assuredly be desirable *directly* to check the extension of rice cultivation, but I do not see how direct check is possible. When the rayat learns and believes that he cannot get more *rán* for the cultivation of more rice, he will probably find it does not pay to cultivate fresh rice land, and in this way the extension of rice cultivation will receive the natural indirect check which alone seems to me possible or desirable. It would be absurd to tell a cultivator on letting him land that he must not grow rice on it. Such cultivation is not, like that of the poppy illegal, and if it pays he will grow rice, if it does not he will leave it off."

Mr. Shuttleworth:—"I do not see why the extension of rice cultivation should be stopped, but at the same time I do not think it ought to be extended if *rice cultivation is to be bolstered up at the expense of the forests.* A sufficiently wide-reaching and an efficient system of forest conservancy is the great supporter of profitable rice cultivation, but no cultivation of rice should be allowed if it necessitates the destruction of forests. If the slopes overhanging rice fields are denuded of their tree covering the rain water will run off them in impetuous torrents, and will uproot and carry away rice seedlings from the fields, will smother the crops under stones, gravel and other *debris* which the waters will bring down, and will sweep away the *bándhs* or embankments, so necessary to rice cultivation. An officer of the Revenue Survey Department has told me that he has seen embankments of rice-fields which had been constructed at very considerable costs, and had been levelled by the off-flowing rain water coming down from bared hills, and it was his experience that the denudation of the hill slopes in a rice-growing country had constricted the area of rice cultivation by *causing* the abandonment of several sites of former rice cultivation. The balance of evidence, however, goes to prove that rice can be profitably cultivated without making any direct demands upon trees which are detrimental to the latter, and that rice cultivation need only take from the forests that which the latter can afford to give to it, and is in some cases thankful to rice cultivation for taking. Under the circumstances I am of opinion that the extension of rice cultivation should not be interfered with. Rice cultivators knowing that they must not look to the forests to support or contribute to the support, free of charge, of their cultivation, but that they must depend upon their own resources for manure, seeds, &c., will be the best judges as to whether new rice fields should be made or not, and the ordinary rules which govern all private enterprise will very soon determine the limits to which rice cultivation can be carried."

Ráo Bahádur K. M. Thatte:—"Directly or indirectly stopping further extension of rice cultivation in the Konkan Districts must entail compulsory emigration. If *rán* resources are curtailed people must stop extending rice cultivation, and *rán* resources can be curtailed if fresh allotment of *varkas* is not made or the present allotments be encroached upon. But I do not think this can be done. Population in the Konkan as everywhere else must increase, and increased resources for the increased population are indispensably necessary. Whatever the objects of and benefits to be derived from the conservancy of forests, one of them cannot assuredly be to adopt measures that will directly or indirectly endanger human life."

Mr. Ebden:—"If the extension of rice cultivation in the Konkan depends upon the extension of the supply of *rán* material, I think the time has come to stay it."

"I am not aware of what peculiarities exist in the Konkan that render the cultivation of rice impossible without *rán*, and I should very much like to see the experiment tried of transferring a body of cultivators from Kánara and settling them for a year or two in some jungle village as closely resembling their own as possible, and allowing them the free use of all the means of cultivation to which they have been accustomed."

"Rice cultivation elsewhere chiefly seems to depend on the extent of the water-supply, and if means of irrigation—which are probably infinite in the Konkan—were improved, I see no *primâ facie* reason why the same effects should not be produced in the Konkan as elsewhere."

"So far as stopping rice cultivation, I would leave it to its natural results. A proclamation to the effect that when once the *ráb* question is settled to an extent sufficient to meet present requirements, no further provision will be made, and the people must make the best use of the means at their disposal."

Mr. Mulock:—"Seeing that extension of rice cultivation means clamouring for more *ráb* and further *varkas* allotments out of forest area, I decidedly think that increase of rice cultivation in the Konkan should be discouraged as much as possible. It is worth noting also that rice cultivation in the very lightly, almost nominally assessed *varkas* lands, although most remunerative to the rayat, is attended with no adequate advantage to Government to compensate for the loss of the trees. The only means that I can suggest for preventing its increase is by Government retaining their rights to all reserved trees in *varkas* land. This, no doubt, effectually in forest villages prevents the turning of *varkas* land into *kharif* or rice land."

Mr. Atkins:—"Ordinarily I think that the extension of rice cultivation should not be stopped except inside the Reserved forests. Probably no more profitable way of using the land in Thána than growing rice on it can be found, and the more rice cultivation is extended the better, *even if* the forests have to provide the whole of the extra *ráb* material that will be required."

"Inside the Reserved forests, which consist mainly of mountain slopes, any considerable extension of rice cultivation is of course an impossibility, only isolated little patches will be found capable of such cultivation: and, at all events for very many years to come, I believe that it will be very inexpedient to encourage the cultivation of such patches. I would on the contrary check it in every possible way, because the certain friction between cultivators and foresters, and the difficulties in working the forests that will be caused by the unchecked and uncheckable user of them that will and must be enjoyed by such cultivators, will very much more than counterbalance the advantage of a small increase in the food supply of the district."

"*Varkas* cultivation, however, is not in my opinion deserving of encouragement. Except in places (like the Mokháda *Khásbandi* villages) where the land, though good is not suitable for conversion into rice, I would as far as possible check the extension of *varkas* cultivation. The erection of bunds will usually at once convert *good varkas* into early rice land. But poor *varkas* land in Thána consists as a rule of sheet rock thinly covered with a sandy soil and the market value of a crop raised on such land will not often equal the market value of the enormous amount of *ráb* material burnt on it *nominally* as manure but really *to form the soil* on which the crops grow. The value of a crop raised on an acre of poor land, is rarely equivalent to what the cultivator and his family could earn as hired labourers in about a week."

Mr. Sinclair says:—"No."

Mr. Keyser:—"No. I think it neither practicable nor advisable to stop the extension of rice cultivation; it is against the whole policy of Government to interfere with the cultivator in the disposal of his land."

Question VI.

Subject.—Transfer of Kharif land without its appendant varkas and vice versa.

Q. VI.—It has been brought to the notice of the Commission that in the Karjat *táluka* rice lands have in several instances been disposed of by occupants, who have at the same time retained the *varkas* lands which presumably supplied the necessary *ráb* material for the rice cultivation. Do you think it would be advisable to prevent the transfer of rice lands without permission without *varkas* lands now held with them?

Answers.

Mr. Loch:—"I think that it is very undesirable that rice land should be sold without its *varkas* land, but I fail to see how the practice can be stopped without legislation, and I do not know if it is sufficiently widespread to make the legislation necessary."

Mr. Mackenzie:—"Yes certainly, if the evil is extensive, but in the existing state of the law it is not possible."

Mr. Shuttleworth:—"I do not think there is any necessity 'to prevent the transfer of rice lands without permission without *varkas* lands now held with them' in the Karjat *táluka*. If the rights attaching to a portion of any survey number can be sold by the occupant I do not see how any interference can be made with occupants who may elect to sell the *varkas* and not the rice land contained in a survey number or to sell all or a portion of their rice lands without disposing of any of their *varkas*. If the people distinctly understand that

their rice cultivation is not to be fed gratis by the forests, and is not to be allowed to thrive at the expense of the vitality of the public forests, then the market value under the laws of demand and supply will very soon determine the point whether the sale of rice land without *varkas* attached to it can obtain in the Karjat *táluka*."

Ráo Buhádur K. M. Thatte.—"As the rice lands and *varkas* lands are numbered separately there is nothing to prevent the transfer of rice lands alone. It will undoubtedly be better if *varkas* lands were transferred along with rice lands in cases where the purchaser has no *varkas* lands already in his possession. But take the case of a cultivator who in consequence of indebtedness or other causes is compelled to sell his rice land and retain his *varkas* for his maintenance, how can he possibly be prevented from so doing? Any measures that will affect the guarantee given by the Survey Settlement Department unfavourably to the land-holders are necessarily calculated to be extremely unpopular."

Mr. Ebden:—"Some confusion has probably been caused in Karjat by the want of distinction between *varkas* and *shindádi* lands."

"I think, however, that at the *varkas* revision the new *varkas* numbers were in some cases left unassessed on account of the occupant being understood to already be paying, under the old settlement, the assessment on his *varkas* in the form of an increase to the nominal rice assessment. And I believe that advantage has actually been taken of this arrangement to part with the rice land and retain the unassessed *varkas*."

"I imagine that in such cases the purchaser of the rice land has a legal claim to the use of the *varkas*, since he virtually has to pay the assessment on it, and if the question refers to Karjat alone I would answer in the affirmative."

"As to the general question I believe it would be in accordance with local ideas if the transfer of rice land (without permission) without a lien on sufficient *shindádi* land, were forbidden."

"In the present state of affairs, however, I regard it to be impracticable to make a general rule on the subject. If the labours of the Commission end in a solution of the *rán* question this will have to be a point insisted upon."

Mr. Mulock:—"It would no doubt be advisable to prevent occupants disposing of their rice lands while they retain their *varkas* lands; but I can see no effective scheme for prohibiting their doing so. All rayats getting rid of their *varkas* land should be given to understand that if they part with such, they will not be allowed to resort to the Government forests for *rán*. With this warning we must trust to self-interest guiding them in the matter."

Mr. Atkins:—"No. However much formal and technical transfers may be prohibited, real transfers by private arrangement (of which Government can never learn, and with which it cannot interfere,) will always go on. If Government tells a man that he is not to be allowed to sell a rice field without a *varkas* field, it can, nevertheless, not prevent him from allowing another man to cut *rán* on his *varkas* and another to cultivate his rice on an agreement that he is not to resort to the *varkas* for *rán*. If Government once determines finally and positively the limit beyond which *rán* privileges in the forests shall not be conceded, and people once get to understand and really believe that a limited area of land is to yield all the *rán* materials that can be used, they will soon learn to distribute that land amongst themselves in the way most convenient to themselves."

Mr. Sinclair:—"The measure suggested would be a clear breach of existing law, and the evil, if any, is far too small to call for new legislation. Over half the uplands in my district (Kolába) have no more to say to rice lands than they have to glaciers or gold mines."

Mr. Keyser:—"This question also I must meet with a direct negative. Government cannot resume an occupant's rights, one of which is the free alienation of his land."

Question VII.

Subject.—Supply of Firewood.

Assuming—

(1) that there is a certain population in Thána who require but cannot pay for firewood and that there is a further population that can only obtain firewood by the purchase of head-loads and that both these classes must be provided for and moreover the indigent classes supplied with a livelihood:

(2) that no distinction is to be made between forest and non-forest villagers:

(3) that effective measures to prevent the unauthorized export of firewood, &c., for trade and for its control in transit under Section 41 of the Forest Act are in force:

(4) that forest conservancy requires that 'dead wood' and every other kind of unsupervised exploitation be put a stop to:

do you think the following arrangement workable?

Such portion of each block as it may be intended to cut in any year to be felled and the material stacked in convenient places, stems and branch-wood separately, in the coupe (the local villagers being permitted to remove the twigs and foliage for *ráb*). The coupe then to be thrown open with permission to any one to remove head-loads of the branch-wood free and without permit for use or sale. No carts to be allowed in the coupe but permits to be granted on payment of fees to bring carts to the outside of the coupe and to load and remove them. All such firewood to be for local consumption only and not to be removed from the district or for trade. Large centres as Thána, Kalyán and the large coast villages of Bassein, Máhim, &c., and large industries and in fact all cases not coming under the definition "domestic consumption" to be debarred this privilege by the local levy of fees on both head-loads and cart-loads as far as feasible.

Alternative Scheme.

Assuming as above but excepting (2) and coupling in one general scheme the firewood requirements of the district with the other local wants in building material and wood for agricultural purposes as well as with those of the trade, do you consider the following would work?

That special cuttings shall be made for groups of villages* from which the inhabitants of them shall be able to obtain their wants:

* Forest villages and those whose boundaries actually adjoin and touch them.

(a) In firewood by head-loads of the branch or small wood of 2 inches and less in diameter free of all charge if taken for own use or for sale in towns but not for export from bunders or railway stations and sale to large local industries supplying Bombay except under certain conditions to be widely made known; and of the better kind in cart-loads or the equivalent in head-loads at the rate of, say, 8 annas per cart-load, also for local use only and not for sale.

(*b*) In building wood by free grants of small wood to such people and in such quantities as the Collector after enquiry through his assistants and the *mámlatdárs*, may consider poor and deserving of special favour; and to the better or well-to-do classes in quantities as may be required at the following rates:—

For teak of sizes—

1st	Class	from Re. 1 to 1¼	per pole.
2nd	do.	As. 8 to 10	do.
3rd	do.	„ 4 to 6	do.

For jungle wood of sizes—

1st	Class	from As. 12 to Re. 1	per pole.
2nd	do.	„ 6 to 8	do.
3rd	do.	„ 2 to 4	do.

(*c*) In agricultural wood to the classes as the Collector may rule shall have it free of charge from consideration of poor circumstances; and for others at the rates previously charged at the agricultural depôts.

Non-forest villages to obtain their supplies in the same way but at enhanced rates for the better or well-to-do classes of, say, 25 per cent. more than the rates levied from forest villagers, the indigent inhabitants of non-forest villages having the same privilege of removing head-loads of small wood free for use or sale as the similar classes in forest villages.

The special cuttings to be done departmently, through which agency the better class of firewood and the building and agricultural wood shall be stacked.

Further so as to extend the sources of supply as regards firewood that may be removed under the same conditions as in the special cuttings and thereby give employment to the wild tribes and indigent persons, it is proposed to insert a clause in all firewood contracts to remove wood for export that contractors shall not be allowed the branch and small wood of 2 inches and less diameter and that it must be reserved for head-loads for local use and export on certain conditions.

There would appear no reason too, should it be also found necessary to extend the sources of supply as regards agricultural wood, why another clause should not be inserted in felling contracts for export that a certain class of wood shall be reserved for such purposes.

The removal of twigs and foliage free for *ráb* purposes would be permitted on both the special and contract cuttings.

The above is an alternative scheme to the first and you are requested to point out, in your opinion, its weak points and what you would suggest in amendment of them.

Abuse of privileges.

Assuming that a scheme of some sort on the lines indicated in one or other of the above two suggestions is accepted, do you consider that after that decided on has been made well known, it would be dealing too severely to suspend privileges to individuals or whole villages found committing abuse of them?

The unauthorized cutting of wood of any kind or collecting dead wood would be considered an abuse of privileges.

Answers.

Mr. Loch :—"Of the two schemes described in this question, the second is the more comprehensive and is therefore, I think, preferable to the first. I presume that the special cuttings could be made without interfering with the regular working plans of the forests. There is of course the chance of misuse of free grants by the recipients; this is a difficulty which occurs in the case of all arrangements for providing wood at rates lower than the market rates. The prices mentioned seem liberal. I do not think it would be harsh to withdraw privileges as suggested in case of abuse, provided the system is wellknown and in full working order."

Mr. Mackenzie :—"I prefer the second of the two plans and think it ought to work well. I am certainly of opinion that when it has once got into fair working order, and become generally known, any abuse of privileges, such for instance as that mentioned in the supplement to the question, should be punished by suspending the individuals found transgressing from the use of such privileges, and in the case of repeated transgressions and after warning, whole villages even should suffer the penalty unless they effectually aided the Government officers in detecting and exposing individual offenders."

Mr. Shuttleworth :—"In my answer to question No. IV in respect of *rábi* supply I have shown how in my opinion the forests of the Thána District should be managed in view of providing forest produce to meet local demands, and I do not think that any special arrangements need be made in connection with the firewood supply. The forest contractors who purchase standing trees in the different coupes will not only distribute on payment, the price being fixed between them and the people under the rules of supply and demand, as much firewood as the local population may require to consume, but will also provide the indigent classes, and 'the wild tribes, &c.,' who subsist in a great measure upon the forests, with a livelihood congenial to their habits throughout the whole of the working season."

"I see grave objections to plan No. 1. The cost of felling and stacking the firewood in each coupe of every block for people to remove in head-loads will be an enormous expenditure, and I do not know where the money is to come from. The Imperial Forest Budget will not be able to afford such a large unproductive outlay. It has been stated in evidence before the Commission that about 15 lacs of candies of firewood are consumed locally every year, assuming that only five lacs of this quantity come *at present* from the forests, a very mild estimate the quantity will obviously increase *pari passu* with the denudation of the *málki* numbers, and allowing that the cost of cutting and stacking one candy will not exceed the sum of two annas—which is likewise a mild estimate—an expenditure of *Rs. 62,500* will have to be incurred at the outset, *for which there will be absolutely no return*, and this expenditure may grow with years until it reaches one and a half to one and three-quarters lacs of rupees. Further very large increases of establishments would have to be made to control the distribution of the firewood, as well as to direct and supervise the fellings, &c., and I have no hesitation in expressing my belief that a very large portion of the firewood removed free of charge from the forests would be exported to foreign markets, despite any prohibitive regulations or arrangements to the contrary."

"The second scheme is if anything more objectionable than the first. It also would involve a large expenditure and it provides for a very large sacrifice of the public revenue, *some sum between five and fifteen lács of rupees* if Mr. Atkins' estimate of the volume of firewood consumption is reliable, and although the plan may read and sound well, I am of opinion that in practice it would break down, for it is replete with conditions impossible of enforcement, temporary servants would have to be employed largely, and the shopkeeping business would have to be entrusted to low-paid subordinates. The energies of these men would be directed towards the feathering of their own nests, and the superior forest officers would find much of their time occupied in detecting and punishing fraud. As soon as a coupe is opened there will be a scramble for the material, the non-forest villagers and the better or well-to-do classes will elbow in with the forest villagers, and with the favoured people to whom the Collector may direct 'agricultural wood' to be given free of charge. There will be a rare opening for bribery to work and discontent, dissatisfaction, complaints and loss of reveuue will be the outcome. A great portion of the material obtained free, or at reduced rates, will most certainly find its way into the Bombay market and into the timber yards of dealers."

"I submit that it is not the business of a great department of Government to undertake the work of a petty trader, and to compete against private enterprise in retailing forest produce to the people. The forest contractors will gladly sell to all who may come, and they will allow the indigent classes to remove wood in head-loads for sale in vil-

lages, &c. From the Tungáreshvar *inám* forests of Bassein *táluka* large quantities of firewood are taken by the indigent classes for sale in Bassein town and the neighbouring villages under arrangement made with the contractors who have purchased the timber of the *inám* forests, and this practice obtains wherever forests are extensively worked by *inámdárs* or their contractors. Both of the suggested plans seemingly contemplate that all the fellings shall be undertaken departmentally, and this will necessitate very considerable budget grants under 'Timber operations,' the keeping and rendering voluminous accounts by temporary subordinates, the distribution of large amounts as wages to daily labourers, and to the temporary hands chiefly must be entrusted the responsible and critical duties of differentiating between free and fee timber and firewood and also between full rates and specially favourable rates."

"Free firewood to the populations of the Thána District will not only lead to a great loss of revenue, which is a secondary consideration, but it will likewise induce a much larger consumption of the article with greater demands upon the forests for its supply than would otherwise occur. Thrift in the use of firewood will not be a matter of importance, for, where the supply is abundant, the article being obtained free of cost, waste in expenditure will be the sure result. The demand upon the forests instead of being controlled and regulated by conditions which enforce economy in its use will expand, for the export trade will always stimulate this demand, and it will in consequence be found very soon that the firewood in all the coupes of the district taken together will not satisfy the demand of the year of the local population, more especially if *ráb* cutting is to be permitted to curtail the crop in the forests; wood when it enters a village loses its identity and firewood removed free of charge from the forests will continue to go into the Bombay market in a constantly flowing stream and there will be petitions and outcries to open closed forests to firewood removal. When the people can get firewood free they will always have before them the temptation to convert it into money, and every opportunity of doing so will be seized with avidity for what they sell for rupees, annas and pies they can replace from the forests free of cost. It will be the history of the *málki* number trees repeated in firewood, the same agencies working for the depletion of the forests."

"I submit that it is one of the most responsible and earnest duties of the Forest administration of a country wherein no coal deposits are to be found to safeguard the sources of firewood supply by hedging them in so that their powers cannot be overtaxed, because if the supply fails, among other disastrous consequences the people are driven to utilise other substances for fuel, and thus we see in the Deccan and elsewhere cowdung taken, which ought properly to be manuring the fields. The Thána District especially comes under this condition. There are no coal deposits, and cowdung is of very great value for manuring rice fields or for burning on rice fields for preventing weeds."

"It is on account of fuel and the absence of coal deposits that Germany and France have been forced to pay so much attention to the preservation and management of their forests. The carboniferous basins of Great Britain may be estimated to embrace some 5,400 square miles of coal, the French a little more than 1,000 and the Belgian about 510, the Bohemian field some 400, that of Saxony only 30, that of Spain about 200 and of Russia scarcely 100 square miles. Comparing the coal areas with the total surfaces of the respective coal-producing countries the following table shows the proportions:—

United States	1 square mile of coal to 15 of land.
Great Britain and Belgium...	1 square mile of coal to 22½ of land.
France	1 square mile of coal to 200 of land.

And it is mainly due to very extensive and valuable coal fields and also to her insular position whereby every change of wind drives *aqueous* vapour over the land that England with her humid atmosphere has a very inconsiderable forest area, and it is on account of the very converse of these conditions that the Thána District requires to have a very large forest area and a very efficient system of forest management."

"Looking to the fact then that Government have already given to the survey occupants extensive and very valuable woodlands, that the free appropriation of firewood induces the waste of the article and also its exportation, and that the importance of preserving the sources of firewood supply in the Thána District, not only to meet local demands upon it, but also to satisfy the calls from districts beyond its frontiers which owing to their geographical position in relation to the Thána district and their physical configuration, being more the home of agriculture than of timber, have claims upon it for firewood, I submit for the consideration of the Commission that the concession of privilege of firewood free of charge from the State forests of Thána would be in violation of the public interests and a breach of the trust under which the Thána forests are held for the common weal."

Ráo Bahádur K. M. Thatte:—"Both the methods described in this question for supplying wood of all kinds to the wild tribes, cultivators, artizans, and other inhabitants of villages seem to be unworkable. In the first place these people are utterly wanting in the drilled manœuvres which would be absolutely necessary to obtain wood in the manner described."

"The first method is purely vague. Under it the wood is to be supplied from a portion of a block intended to be cut in *any year*. Is it not possible that no portion of a block could be cut in a given year? If so, firewood and other wood are regular wants of all the people and how can they be regularly supplied by such irregular fellings of blocks? Again there is a chance that the so-called 'convenient places' where the felled wood is to be stacked may prove quite the reverse to the poor people who very probably require a whole day to obtain a head-load of firewood."

"The coupe system has a chance of success only when there is a certainty of a portion of a block being regularly felled in the vicinity of a village or of a group of two or three villages closely situated; and also when the portion of the block intended to be felled is wooded to such an extent that its forest produce will be enough for the wants of the village or villages concerned."

"The alternative scheme proposed has an appearance of workability, but its weakest point appears to me to be that these special cuttings that will be made may happen to be so situated as not to be convenient for all the villages in the group; people will therefore find it disadvantageous to avail themselves of the forest produce thus intended for them."

"The alternative scheme appears to contemplate permit system as regards wood required for trade and in my reply to circular question 47 I have already stated that this system is a ruin of the forests."

"The best arrangements for wood for trade would be to establish depôts of all kinds of forest produce in every forest village. The abuse of privileges should be visited with fines, but never with withdrawal of privileges, for the privileges in this connection relate to articles which are indispensably necessary for the very existence of the rayat, and if he be prevented from obtaining them by fair means he will be forced to commit crime, especially because he has not the money to buy the forest produce with. I am firmly of opinion that for the reasons stated above withdrawal of privileges even in the case of individuals for proved abuses will be a very harsh step to take and I therefore need hardly state that a wholesale withdrawal of privileges from a village for the fault of individuals cannot be thought of."

Mr. Ebden.—"I regret that I have been quite unable to spare time to devote sufficient thought to the consideration of the two schemes for the supply of firewood which are suggested. The subject is one of the very greatest importance, involving as it does the comfort of the whole population and affecting the source of livelihood of a vast number of the most indigent classes."

"Personally, my opinion is still in favour of depôts which should be supplied by the labour of these classes, and from which the material should be partly exploited also by their labour under a certain amount of control and supervision."

"Of the two schemes here presented, however, the second only commends itself to me as likely to be successful. It is of much wider scope than the first, which as far as I can see must result in a short-lived scramble for a necessary of life, and makes no provision at all for maintaining the firewood carrying as a means of livelihood for the indigent during a period at all corresponding with their needs."

"The second scheme appears to be virtually one for temporary moveable depôts, and though it is suggestive of the same kind of scramble as I have just referred to, I believe that its wider conditions, combined with some slight alterations, might make it workable."

"In the first place the question of *ráb* ought I think to be kept quite distinct from that of firewood. In time provision for *ráb* will be made, but while it is necessary to admit the public to *ráb* privileges in the forest, those privileges should be allowed to interfere as little as possible with the firewood supply."

"In the first place I would allow no material to be removed for *ráb* from the firewood coupe. In order to make it useful for *ráb* the cutting would have to take place at the time of year when *táhál* is ordinarily collected. This will be the very time when the majority of the indigent classes are finding field work, and will not require employment by the Forest Department. Every stick and shrub that would be removed from the coupe for *ráb* would be equally useful to the poor for firewood, as it is precisely the kind of material of which their head-loads often consist."

"I also think that the temporary privilege which will be allowed of lopping for *ráb* should not be permitted for a year or two previously in such blocks as are intended for the firewood coupe of any year."

"Again I would not allow any material (*i.e.* small wood that will bind into a faggot) suited for head-loads to be removed in carts even from the edge of the coupe on payment."

"The exploitation of such material is the livelihood of the poor classes and they alone should be entitled to remove it for use or sale. At any rate a sufficient quantity of it should be stored on the coupe, and the privilege of removing it in defined quantities daily assigned to individuals who should be registered and licensed."

"I see no objection to that part of the scheme which provides for the supply of building and agricultural wood to local villagers at low rates, and to far-comers at enhanced rates. But I must again observe that the scheme is identical with the depôt system and will require similar supervision."

"As to the suspension of privileges, I imagine that the suspension of those of an individual would be a difficult matter to carry out unless a special guard were placed on his daily actions. I think that individual cases are better punished by fine or forfeiture when found out."

"In cases of general abuse of privileges their suspension to whole villages would not be unjust nor impracticable."

Mr. Mulock:—"The alternative scheme strikes me as being a workable one. But no scheme in Thána will succeed unless firmly adhered to and unless the people are given to understand that the indiscriminate resort to Government jungle for the supply of domestic and agricultural wants will be strictly prohibited. It is curious to note the difference of opinion of officers who have served for years in Thána in their replies to the written questions put by the Forest Commission. On almost all material points their views differ. From this it may be judged how hopeless it was to expect anything like a continuity of policy as the forests have hitherto been administered. One officer placed restrictions where his successor gave concessions; and the rayats had only to continue agitating long enough to practically obtain everything they required out of Government forest. I believe any scheme will be equally opposed by them, as they of course want to revert to their old practice and to go into the jungle and hack it about as they please. It would be hard to exaggerate the loss I have seen during my seven years' tours in Thána caused by cultivators being allowed to resort to the jungles to satisfy their own requirements. I have seen a man with a permission in his hand to cut materials for five ploughs ruthlessly fell some thirty or forty fine young *khair* and other trees, leaving more than one-half of them to be burnt by the next year's jungle fire. I have seen another with a permission to cut timber for his house fell some twenty of the finest trees for the fram-ework of his house, and hundreds of smaller trees for the rafters of his roof. No jungles could possibly stand long with such a state of things. And no one should be allowed, in my opinion, to cut for their own wants, unless under strict supervision. I certainly think that abuse of privileges should be severely dealt with, and systematic and continued abuse of any privilege by an individual or a village community should be punished by depriving them for a term of the privilege found to be abused."

Mr. Atkins:—"The first scheme is one by which the branches of the trees felled annually by the Forest Department in specially selected compartments of the forests will be the sole source of the free supply of firewood to the local population. On the assumptions mentioned by the Commission, and subject to my remarks in my third paragraph below, the only important objection I see to this scheme is that the *limited* supply of firewood is not likely, in the more civilized and less jungly *tálukás*, to be nearly equal to the *unlimited* demand: and I cannot see how people will be able to get more firewood when they have used up the year's supply. There will of course be a rush for the wood directly the *coupe* is thrown open: and the more intelligent inhabitants of the distant villages in the plain will be likely to forestall the poor and ignorant hill men and leave them nothing."

"2. The second scheme is a very similar one, the main point of difference being that in it the objection I have mentioned above is removed and the persons privileged to supply their requirements from the limited stock of material are limited in number and not unlimited as in the first scheme. Subject to my remarks below I think that the scheme is a good one."

"3. I have not, however, altered the opinion I expressed in my answers to the circular printed questions of the Commission. I still think that in the more densely wooded *tálukás* the dead wood available (there *ought* to be no dead wood in a forest, but there will for years be plenty in the larger Thána jungles, which I do not expect will be thoroughly well and scientifically worked for fifty years to come) will supply all the local demands, and will supply them in the way most convenient to the people: and that, in the less jungly *tálukás* in which the forests must be economically worked, and the local demand is by itself probably equal to the whole local supply (*stems* as well as branches), the encouragement of retail trade, by giving a practical monopoly of it (in a limited area) to a contractor for a long term of years is highly desirable. The two schemes suggested by the Commission will be absolutely fatal to retail trade; and if Government sees fit to adopt either, it must be prepared for ever to departmentally provide for all the forest produce requirements of nearly a million of people. As regards abuse of privileges I have already laid my views before the Commission."

Mr. Sinclair:—"It is useless to discuss such schemes here. What answers in one place will not answer in another. The penalty question depends on the evidence as to the supposed offence; but generally speaking it is undesirable to punish communities for the detected offences of individuals, or to punish individuals twice for the same offence, *e.g.*, to stop A's firewood because B has stolen teak, or even to stop B's after he has already been fined or imprisoned for stealing teak."

"It must also be remembered that it is much easier to *talk* of stopping people's fuel, pasture, or loppings than to *do* it."

Mr. Keyser :—"I do not think the first scheme practicable. The *coupe* would not probably suffice, or be sufficiently near all consumers dependent on it."

"I think the second scheme a good one. The difficulties would rather present themselves to a Forest than to a Revenue officer. Such would be, the selection of cuttings, the appreciation of the wants of any group, ensuring distribution by forest subordinates without peculation or extortion. As regards restrictions on contractors, that is a matter of finance. Any such cost money probably and certainly if they make a contract less lucrative; and generally speaking contractors are such a suspicious race that limitations of their contracts produce reductions in price out of proportions to the diminution of profits, at any rate as long as the enforcement of such limitations is recent."

"No. I do not think punishment by forfeiture of privileges would be too severe, but in individual cases, it would be difficult to enforce. Villages should be punished in this way only, when breaches are frequent, and individual delinquents remain undiscovered."

Question VIII.

Subject.—Change in the relations subsisting between the Revenue and Forest Officers.

Q. VIII.—Do you consider it advisable that any change should be made in the relations which, under present orders, subsist between the Collectors and their subordinates on the one hand and the Conservator of Forests, the Divisional Forest Officers and subordinate forest officers on the other hand? If so, what change?

Answers.

Mr. Loch :—"I do not consider that any change need be made in the relations between the Revenue and Forest Departments. Correspondence between the Conservator and the Divisional Forest Officer should as now pass through the Collector's office, and no change should be made in the arrangements for grazing or for the supply of wood, &c., to the public without the consent of the Collector. The Collector should have power to direct the Divisional Forest Officer to visist any place for the purposes of making any enquiry into forest matters, or of superintending arrangements for the supply of the public."

Mr. Mackenzie :—"Collectors generally, and the Collector of Thána particularly, have so much work to do that I do not think it advisable that the officers of the Forest Department should be placed directly under their supervision and control. Correspondence between the Divisional Forest officers and the Conservator, and *vice versâ* should as heretofore pass through the Collector's hands. His consent to changes in the system of grazing or the supply of wood or other forest produce to the public should be obtained before they are finally decided upon and given forth."

Mr. Shuttleworth :—"I do not consider it necessary that any change should be made in the relations which under present orders subsist between the Collectors and their subordinates on the one hand and the Conservator of Forests, the Divisional Forest officers, and the subordinate Forest officers on the other hand. It is out of the question that Revenue officers can undertake to protect forests and woodlands, the property of the State. The Commissioner, N. D., has reported that the *mámlatdár* and Revenue Department subordinates in the Thána district are too much overworked to allow of their conducting even *ráb* experiments. Before the Forest Department was numerically increased, and Revenue officers with the village officers were more directly responsible than now for the protection of the Government tree property, and when anterior to 1870 the Forest Department was more immediately directed by the Collector each in his own collectorate, abundant proof was afforded of the impossibility of enforcing a proper watch for the preservation of Government tree property by means of Revenue and village officers, and consequently the Forest Department has from time to time been strengthened, but even now is not as strong in numbers both of superior officers for supervision and of subordinate staff for patrol as it should. Mr. Keyser, the Collector of Kolába, has reported that the staff of the Revenue Department is overloaded with work, that with rare exceptions there is no efficient village police in the Konkan. The *pátils* are almost powerless and the Mhárs and other subordinate village police neither so numerous or effective as above the Ghâts. This is quite true, for it must be remembered that the *talátis* are stipendiaries and not hereditary officers and therefore their connection with the village and villagers is only a temporary arrangement which does not admit of their acquiring any intimate knowledge of the villagers individually and of having much influence over them. Mr. Loch has also stated that the village bond is weak in the Konkan and the *pátil's* authority is not great, while Mr. Steward, C. S., in the Deccan has stated he would not trust forests of any size or importance to the guardianship or protection of any village officer; he thinks the Forest Department should have undivided control of all forest lands in the Poona or any other district. This same may be said to be the general opinion of all Revenue officers who have spoken or written on the point; there are exceptions, for instance, Mr. Deputy Collector Thatte and Mr. Atkins, C. S. Mr. Atkins reports that the Forest Department which has had charge of the *ráb* grounds in the Thána district for the last seven years, during which the destruction of leading

shoots of trees has been steadily prohibited, has met with so little success that he doubts whether one tree in a thousand of those lopped for *ráb* in the inland *tálukás* escapes annual pollarding. If this statement is correct, then it would show that where the Forest Department plus the assistance of village officers and the support of the Revenue Department has failed to protect, the Revenue Department alone by aid of village officers without the Forest Department will be helpless. Mr. Atkins has not gone on to say in what way the prohibition to destroy leading shoots *could* have been, *i.e.*, was permitted to be enforced during the seven years he speaks of and what action he as Assistant Collector in charge of one or more of the inland *tálukás* of Thána with his subordinate Revenue officers and village officers under his orders, adopted to support the Forest Department in attempting to protect the trees against destruction, or what success he obtained in his endeavours, if he made any, to protect the Government tree property. As a matter of fact the forest settlements not having been completed strict rules of forest conservancy could not be applied for the complete protection of such trees in Protected forests or in Reserved forests, either the lopping of which for *ráb* may have been permitted by order of Government, and that any failure on the part of the Forest Department to save the leading shoots of trees exposed to lopping by villagers for *ráb* cannot fairly be taken as reflecting discredit upon the Forest Department whose hands have been tied."

"Under the existing system all the correspondence between the Conservator and the Divisional Forest officer on Forest business save in matters of accounts passes through the Collector who identifies himself with the forest management as conducted in accordance with the orders issued by Government from time to time. Every order which may be given to a Divisional Forest Officer by the Conservator is subjected to the approval of the Collector before it reaches the Divisional Forest Officer. I do not think this system can be improved. The Divisional Forest Officer issues no order affecting the management of forests on the rights or privileges conceded to the people in the forests upon his own responsibility and without the knowledge of the Collector. Assistant Collectors and *mámlatdárs* bring to notice any irregularities occurring as may come under their observation and these officers are the Police Magistrates of the forests. The responsibility of village officers in the protection of Government tree property is not overlooked, but formerly they used to submit quarterly reports upon the condition of the Government trees in their villages, the writing of which constantly reminded them of their liabilities in respect of the Government forests and trees, and possibly it would be of advantage to have this system of reports reintroduced."

Ráv Bahádur K. M. Thatte:—"I am humbly of opinion that changes are urgently necessary. Under the present arrangements the Collector and Assistant Collectors have no insight into the real working of the forest administration. All forest produce is at present disposed of by the Forest Department without the knowledge of the Revenue authorities. This is objectionable. The Revenue Department must exercise a wholesale check upon this. Therefore, no forest produce should be disposed of by the Forest Department independently."

Mr. Ebden:—"I have not been able to give sufficient attention to this question and must ask to be excused giving an opinion."

Mr. Mulock states:—"At present the Forest Department is independent of the Revenue Department, and correspondence between the Divisional Forest Officer and the Conservator merely passes through the Collector of the district under orders of Government. The Divisional Forest Officer is, therefore, only nominally subordinate to the Collector, while the forest range officers and forest guards are in no way subordinate to the Divisional Revenue officers or to the *táluka* Revenue officers. The forest guards are very illiterate and ignorant, never having qualified by examination or otherwise for their posts. As a rule, they cannot read, and I have never met a forest ranger who was not totally ignorant of the provisions of the Forest Act and the rules passed under it. As to the standing orders of Government regarding the Forest settlement of their ranges they have never heard of them. The consequence is they interfere where they have no right to interfere, and necessarily harass the people. This state of things should certainly not be allowed to continue. And I think all should be thoroughly instructed in their duties and brought under the supervision of the *mámlatdár* of the *táluka* in which they serve by being made subordinate to him. This, I believe, would do away with a good deal of the friction now existing between the people and the Forest staff, and, on the other hand, the Revenue subordinates would take a more direct interest in forests and their conservancy."

Mr. Atkins:—"Yes. I think that in all administrative and revenue matters the Divisional Forest Officer should merely be the Collector's Assistant. The Conservator's duties should be confined to technical matters of scientific forestry. He should also advise the Collector on all subjects on which the latter asks for advice: and should submit reports to the Collector for information. Most of the present race of Collectors have had considerable experience in the difficulties of forest management; and few, if any, of them can be called anti-foresters. I should not however object to the Conservator retaining even the administrative charge of any forests which are to be worked exclusively on trade principles without having regard to local requirements."

Mr. Sinclair :—" I do not consider any change urgently called for. When the officers concerned have a little common sense, they work together well enough; and when they have not, nothing will make them do so. If any change be desirable, it is that the Collectors should appoint the clerical forest staff, as they do for the Police, which would tend to prevent small and stupid vernacular correspondences at times."

Mr. Keyser :—" For all administrative purposes I would put the Divisional Forest Officer and his subordinates directly under the Collector, who should control their movements, appoint or promote subordinates, and be the appellate power in all questions of rights and privileges. The Conservator is, except in the head-quarters district, too far off."

" The scientific and financial control, by which I mean all questions of conservancy and plantation, dealings with contractors and so on, I would leave with the Conservator. I have very good reasons, which I do not care to put into writing, as they might take a somewhat personal form, for making this recommendation."

Questions IX. & X.

Subject.—Grazing.

Q. IX.—What is your opinion as to the probable effects of forest conservancy of the Konkan village pasture lands as regards the future supply of grass from such lands? Do you see any reason to fear that as tree-growth increases the grass supply will diminish? If so, will the deficit be fully made up or not in your opinion by the larger quantity of leaf fodder available from the lands under conservation?

Q. X.—Does your answer to the above question apply to the Deccan districts equally with the Konkan? Or do you think that owing to the different climatic conditions of the two tracts the results of forest conservancy as affecting the grass supply would also differ?

Answers.

Mr. Loch in reply to question IX. states :—" The point mentioned in this question is not one which I have considered before. I believe that when the jungle becomes dense, the grass supply will be diminished. I am unable to say how far the increase in the quantity of leaf fodder will make up for the decrease of grass."

In reply to question X. he says :—" From what I have seen of the Sholápur district, I am not of opinion that forest conservancy there will diminish the grass supply. It is not a question of dense forest growth there, and in the *bábhul kurans* grass grows luxuriantly.'

Mr. Mackenzie in reply to question IX states :—" This is a matter on which without a more intimate knowledge of Thána than I possess I can hardly offer an opinion of value. I do not think that a moderate increase of tree-growth on pasture lands could seriously affect the grass produce. I am not able to say whether if the forest on pasture land becomes dense the leaf fodder will compensate for the diminished grass supply. I should be inclined to think it would not."

In reply to question X he states :—" With the exception of a few weeks this year in Khándesh (which moreover can hardly be called the Deccan), I have not served as Collector in a Deccan district since the Forest Act has been in force. Any answer I might give therefore to this question would be purely speculative and therefore of no value."

Mr. Shuttleworth in reply to question IX states :—" I am of opinion that the conservancy of the forests in the Konkan will not diminish the supply of grass to any appreciable extent, at all events within the next half a century if ever. In portions of the forests where there is a dense overhead canopy, or the young tree-growth is very thick, or where aspect and situation are unfavourable to the growth of good grass, there is and will be an absence of grass; but the greater proportion of the forest area is at present open forest, and it will be many years before sufficient overhead cover will be formed over the greater portion of it to exclude light and suppress the growth of grass. Where through dense cover in the forests grass is not permitted to grow its absence is fully made up in so far as grazing is concerned by herbage and other fodder such as bamboo shoots and leaves, &c."

" It had been the pratice until within the last 14 or 15 years to cut large quantities of selected immature teak trees for rafters the best growth being taken, and before, and even up to that time, fellings had been made leaving high stools, the axe being applied any distance from 1 to 3 feet above the ground level to the tree to be felled. This system was faulty in the extreme, and owing to it a considerable portion of the teak crop in the forests consists of poles growing upon the high stumps of old trees. Then again hollow trees are exceedingly common in Indian forests, the roots penetrate into a bad or rocky soil, vigorous growth is impeded and decay, technically called eremacansis, commences in the centre or old part of the tree. Under a correct system of working the axe will be very extensively applied for the improvement of the forests, the main object will be to grow high timber, and in this view it may be necessary—

(*a*) to fell all the trees that have attained maturity or have passed that stage;

(*b*) to cut out all coppice growth standing upon high stools;

and following this plan it will be very many years before a complete overhead canopy can be looked for, and in many places it will never be attained, and the grass supply will be abundant."

In reply to question X. he states :—"Forest conservancy in the Deccan districts will increase the quantity and improve the quality of the grass supply and grazing of forest lands. In the *bábhul* reserves of the Deccan upon the banks of rivers where the trees are well grown although there may be overhead canopy of leaves still it is so light that the sun is not excluded and the growth of grass is very luxuriant. In places where *bábhul* comes up in dense thickets there may be an absence of grass but only for a short space of time as the trees grow up, light and air are let in, and the grass comes back in proportion. On the hill sides of the Deccan, possibly along the edge of the Ghâts where there are some heavy forests with dense overhead cover there may be no grass, but upon fully 90 per cent. of the forest lands in the Deccan grass grows abundantly and well; and there is not the slightest cause for apprehension that forestry will decrease the grass supply and injure the grazing afforded by the forest areas."

"Where forest lands are undergoing reboisement the exclusion of cattle from them is in a forest point of view highly desirable, but this rule cannot in the opinion of Revenue officers be applied to the entire forest area and therefore only a portion may be closed at one time against cattle, the remainder being open to grazing. *In the interests of the grazing* it is very necessary that there shall be a season for grazing and a limitation upon the number of cattle to be entered upon the areas opened to grazing in the forests which are under reboisement. The opening of these forests to cattle from the 1st June is faulty in the extreme and open to gravest objection, although grasses, especially of the better kinds, increase by root thickening and reproduce by shoots; yet scarcely anywhere, although the lands may have been 8 or 10 years under conservancy, have the grass stocks closed over the surface so as to form a grass felt and the soil when saturated by rain is so little binding that cattle uproot the little grass there is of good quality. Moreover the cattle tread down the grass as fast as it comes up, and they crop it down before it has grown, so that no seeding of grass takes place, and an area which with a little moderation would feed many cattle for weeks barely suffices for a few cattle for as many days. It has been the practice to close all the forest lands in parts of the Deccan, Poona and Sholápur especially, except those in the moist belt along the Ghát edge, and those in which the tree-growth is 'defensable' against cattle, until after the 15th September, so that grass may grow, and grasses may seed. And the improvement which has attended a correct system of treatment in the grazing interests of the forest lands can be realized from the following table of grass and grazing receipts of the Northern Circle since the famine year :—

Year.					Rs.
1875-76	...	...	...	...	50,761
1876-77	...	...	...	...	55,752
1877-78	...	...	...	...	58,186
1878-79	...	...	...	...	42,629
1879-80	...	...	...	...	64,613
1880-81	...	...	...	...	1,00,443
1881-82	...	...	...	...	1,41,765
1882-83	...	...	...	...	1,64,444
1883-84	...	...	...	...	1,97,963
1884-85	...	...	...	...	2,25,853
1885-86	...	...	...	...	2,32,649

By opening these forest lands from the 1st June to cattle the improvement which has taken place in past years will to a considerable degree be sacrificed. The number of cattle to be admitted into a forest or a portion of a forest must be regulated by its capability of bearing the strain brought upon the productive powers of the grasses contained. Mr. Ommanney, Assistant Collector of Khándesh, has recorded the following in a Forest Settlement Report: 'On all sides the grass is eaten down to the very stones and what soil there is is pounded into dust, no young growth is permitted to make head and even the better kinds of grasses must compete with the *kusal* or spear grasses, for the latter are the only species allowed to seed.' And Mr. Lamb, C. S., has described the results of over-grazing in the following words: 'No cover is left on the bare brown soil; it is pounded over into a fine dust, blown off by winds, washed off by rains until there remains nothing but black and barren rock. During the hot weather there is no shelter from the sun. When the rain comes there is nothing to retain it; it rushes off in torrent.'"

"If Messrs. Ommanney's and Lamb's descriptions of the grazed portions of the forests in Khándesh are correct, then I submit that it would be very incorrect to urge that the continuance of such a state of things is for the good of the public or even for the benefit of the stock-owner, and that the pastoral interests will be injured by the exclusion of cattle from such impoverished grass lands until grass has become fit to be eaten with profit to the consumer and until it has grown sufficiently to be grazed."

"The *gáyarán* system in the Deccan is an unmixed evil. The *gáyaráns* where they may occur were not formed upon any principle whatsoever. In many villages there is no *gáyarán* at all, while in some villages where there are very few cattle, the *gáyarán* area is

very large, and in other villages where the number of cattle is very great the *gáyarán* area is very small. It would seem that in a few villages where a piece of land was so bad as to be unculturable and could not bear any assessment it was entered in the survey records as *gáyarán*, or where a piece of land with its assessment was not sufficiently tempting to induce any villager to accept it as an occupancy holding with the obligation attaching to it, this land became *gáyarán*, and the Survey Act empowered the Commissioners to assign *gáyaráns* for any other purpose that might be required, and from time to time parts of *gáyarán* have been thus transferred. Some of these *gáyaráns* became 'Rreserved forests' because they occupy hill-slopes, and if cattle are to be allowed upon them uninterruptedly these areas will never improve; they will remain as blank spots on the hill sides, to give birth to torrents and to promote the occurrence of avalanches. In their Resolution No. 7608, dated 31st October 1882, in the Revenue Department, paragraph 2, Government have remarked as under in the matter of *gáyaráns*:—

> 'In the opinion of His Excellency the Governor in Council the common grazing lands are one of the great evils of the agricultural system of India. The cattle are turned on the lands as soon as the first fall of rain has produced a thin crop of grass and they continue to graze it off as fast as it is produced. The consequence is that the grass never reaches maturity, a great portion of it is wasted and trodden into the mud and the result is seen in the stunted wretched cattle wherever the grazing is extensive. The evil of this system is shown by a comparison of the cattle of Khándesh where there are large tracts of grazing with those of Gujarát where there is practically little or no grazing left. In Gujarát the cattle are not allowed to tread promiscuously and to pick up a precarious existence in the grazing lands of the village. The cultivators are compelled to lay in a store of fodder for them and they are carefully fed and tended, but when allowed to graze there is not enough food for half of them and all are half-starved. If the monsoon is delayed thousands of cattle die by starvation. In one year 57,000 head of cattle died of starvation in Khándesh in consequence of the monsoon holding off till August. Another objection is that if there is any contagious disease in a village it is propagated from one to the other in the common grazing lands.'

And there is yet another point against these *gáyaráns* to and from which cattle are driven morning and evening, *viz.*, that the droppings, and more particularly the urine, are lost to the cultivators for manure."

"The Forest Department has concern only with the *gáyarán* areas which have necessarily from their positions been included in the demarcation scheme. If these areas as well as the forest reserves generally are correctly treated under the rules of forest conservancy, the grass and grazing interests of the Deccan will be very considerably promoted; ligneous vegetation as well as grasses are required upon the hill slopes to form soil and to impound moisture, when fodder grasses of the better kinds will appear in abundance. I respectfully submit that in throwing open reserves or portions of forest reserves to cattle and to so-called grazing when they cannot in the interests of the grass crop, be grazed, we are beginning to show that the lessons taught by the great Deccan famine are fading out with years from the tablets of our memories. In their review of the forest administration in British India for the year 1884-85, the Government of India have recorded that 'reproduction both of grass and trees on the previously barren but now protected hill-sides in the Poona district is as remarkable a result of forest protection as can be found. * * * It is a pleasing contrast to see a forest reserve densely covered with young vegetation side by side with a barren hill furrowed by rain and unable to produce a decent grass crop.'"

Ráo Bahádur K. M. Thatte in reply to question IX. states:—"As a matter of course tree-growth will diminish the growth of grass in the Konkan districts where there is so much of rain. Under teak not only no grass will grow but no shrub or bushes even. Leaf fodder is extremely scanty. Leaves of very few trees are of any use as fodder. So there is no chance of the deficit in grass caused by tree-growth being made up in any degree by leaf fodder. In South Konkan some creepers and shrubs are collected in the hot season to keep milch cattle in condition. But this is done in rare instances, and a basketful of such fodder can be got by a whole day's trouble. In Khándesh the leaves of a tree called *anjan* are given to cattle. But this tree does not grow all over the district and cattle eat the leaves in famine time only. I have heard it stated that during the late famine of 1876-77 attempts were made to feed cattle on the prickly pear, but how far they were successful I know not."

In reply to question X. he states:—"Trees will not grow so fast in the Deccan districts as in the Konkan districts. But when they grow they will diminish the growth of grass in the Deccan too, as grass does not grow under trees properly even in the Deccan."

Mr. Ebden states in reply to question IX:—"I can only answer this briefly. I submit that the fact that as the season advances the bare open grazing grounds have to be deserted for the forest is a sufficient answer to the question. No doubt the effect of the forest is to produce a more lasting supply of grass, though it may be deficient in quantity and quality when compared with what grows in the open during a briefer period. But I think the deficiency is made up, provided trees suitable for fodder are encouraged."

In reply to question X. he states :—" I cannot say that I have noticed any material difference in the Konkan when compared with the Deccan, between the relative supplies of grass in open and in forest lands."

Mr. Mulock states in reply to question IX :—" From my seven years' experience in Thána having been over every part of the district and up every hill not once but very many times, I cannot say that the tree-growth in village pasture lands is likely to interfere with the grass supply from such lands. The trees are being rapidly not only cut down and removed but they are absolutely being uprooted by the villagers. I pointed to Mr. Ozanne, a Member of the Forest Commission, numbers of fine trees, the roots of which had thus been dug up by improvident residents of villages in the Umbargaon *peta*. In case tree-growth ever should interfere with grass supply, the very simple expedient of thinning out or cutting down the trees will mend matters very effectually. In most forest villages there is a habit of grazing cattle for outsiders and charging fees for herding them. Droves of Bombay bullocks are thus grazed during the monsoon or slack season in the Sálsette, Bassein, Bhivandi, and other *tálukás*, and the cattle of the villagers along the sea-coast of Bassein, Agáshi, Máhim, Dahánu, &c., are similarly grazed for small fees in the forest village limits. This practice does more to lessen pasturage than any tree-growth that I have ever seen, and should be put a stop to."

In reply to question X. he states :—" I am not sufficiently acquainted with the Deccan to give any answer to this question."

Mr. Atkins in reply to question IX. states :—" When forest conservancy is really affected the grass supply will no doubt diminish. But even in the interests of pasture this can hardly be considered an evil. It must be remembered that we do not usually include in our forests the natural meadow land capable of producing good grass, but stony hill-sides, on which the miserable grass is so well known to be a nuisance that it is almost everywhere set on fire every year."

In reply to question X. he states that the last answer refers only to the Thána forests.

Mr. Sinclair in reply to questions IX. and X. states :—" There is no general rule. Each forest must be dealt with on its own merits, but I see no cause for uneasiness."

Mr. Keyser in reply to question IX. states :—" I see no reason in this district (Kolába) to apprehend such diminution in the grass supply as can be in any way mischievous."

" The best meadows have been kept out of forest in the northern portion of the district and in the southern *tálukás* the supply is superabundant, as there is an enormous area of cultivated *varkas* when the practice is to leave the greater proportion fallow. For the greater quantity of the grass growing on this fallow land there is neither a market nor any practical use."

Mr. Keyser in reply to question X. states :—" I have served in the Deccan only three months since 1880 and have therefore had no opportunity of watching forest operations there. They must be different from those in the Konkan both in their methods and results, but from my knowledge of the Deccan I should say plantation and conservancy would tend rather to improve than diminish the grass supply."

No. 15.

Replies to the ten General Questions by the Commission received from the Secretary, Tha'na Forest Association.

1. The Association is glad to be able to endorse in a general way the views expressed in the opening observations to this question as to the extreme desirability of having one uniform system throughout the Thána District regarding the treatment of allotted *varkas* lands. Such treatment on a uniform basis will *inter alia* prevent the improvident destruction of trees on such lands, and *pro tanto* reduce the drain on the common forest lands. To effect the desired object three methods are suggested, the first two of which require resort to fresh legislation. The first method is twofold and alternative in its character:—(*a*) that all rights to trees parted with at the original survey should be summarily resumed, and then re-transferred to the respective occupants on conditions similar to those now prevailing in the Kolvan and Dahánu *tálukás*; or (*b*) as an alternative method, that without such summary resumption it should be made penal to export or sell for export any trees from occupied lands without obtaining previous permission. The second method is to legalize the levy of a prohibitive duty on some specified tree produce from occupied lands proposed to be exported out of the district, *táluka*, or village, without obtaining previous permission and a pass from a competent authority. And the third method is to institute for the first time a new classification of allotted *varkas* lands into (*a*) *varkas* lands for cultivation and (*b*) *varkas* lands for *shindád*, and to raise the assessment on the former class and to reduce it on the latter class on the occupants individually agreeing to certain conditions mentioned in the question under reply. All the methods briefly described above, with the exception of only one, *viz.*, method No. 1 (*b*), appear, in the humble opinion of the Association, to be quite impracticable, unsound and mischievous for more reasons than one. Method No. 1 (*a*) possesses all the characteristics and attributes of an unmitigatedly spoliative measure, and having before them the experience of the practical working of the Kolvan-Dahánu rules, the Thána rayats can never be expected to give in their adhesion to any system which, as has been abundantly proved, led to so much high-handedness and gross abuse of power on the part of the officers entrusted with its working, as the Kolvan-Dahánu system. If the spirit of the Government Resolutions which sanctioned the Kolvan and Dahánu Settlements be properly realized and appreciated, no reasonable doubt can be entertained that the Governments of the day had not the slightest idea, when they sanctioned with considerable reluctance the wide departure from its normal survey policy, that the special temporary restrictions on the sale of unreserved trees in occupied lands would be converted into a source of oppression and into a means to coerce the people to buy from the Forest Department articles available in their own holdings, or to pay cash price for the articles obtained from their own holdings (*vide* Exhibit Nos. 67 and 73 to the Thána Oral Evidence). It may be possibly urged that the cases in which such gross abuse by executive officers took place were few and not many; but it must be borne in mind that, whether few or many, the very fact of even few such cases occurring under the system is enough to condemn it as being unsuited for application to the other parts of the district, because such a fact serves as a proof of the inherent capability of such a system being abused. In several cases the occupants of tree-covered *varkas* lands were prevented from bringing them under cultivation and thus investing capital to improve their holdings on the absurd plea that their being allowed to do so would benefit them at the expense of the State!!! The Association has no doubt that the Survey Department will stand aghast at their principles being so mercilessly murdered in practice to suit the requirements of the rampant forest policy of the day. In the same way an occupant, when he applied for permission to cut some timber from his occupied land for a charitable purpose, *viz.*, for erecting a school building at his own expense, was refused the permission, and required to pay the price demanded while Government in the Educational Department honoured him and showed its appreciation of his public spirit by presenting him with a dress of honour!!! And lastly a tenant was sentenced to imprisonment for removing *táhál* of the unreserved trees from the *varkas* lands of his land-lord, and when he applied for a copy of the finding with a view to appeal to the higher authorities to get his sentence quashed, he was told in writing by the convicting Subordinate Magistrate under instructions from the then District Magistrate (Mr. Mulock) that "there was no provision either in the Act or in the High Court circular orders to the effect that such copies should be given to the accused"! This is not an isolated case, for seven other similar orders were put in in evidence by Thána Witness No. 45, Mr. Pándurang Hari Phátak (*vide* Exhibit No. 76 to the Thána Oral Evidence); and it can be easily supposed that there must be several other cases of a like character which have not come to light. To be brief, then, the Commission will see the utter impossibility of the Kolvan-Dahánu system being acceptable to the Thána rayats. It is, on the contrary, essentially necessary to put a stop at the earliest possible moment to a system which in practical working has been attended with such grievous results.

2. Method No. 2 is impracticable because it has all the disadvantages of a transit duty, and it is extremely doubtful whether any British administration with its free-trade traditions will ever entertain any such proposal, even though the people of Thána unanimously asked for it. The proposal is accordingly out of the regions of practical measures. Mr. Ebden in his reply to this question proposed that a prohibitive duty on all tree produce from

occupied lands, whether exported with or without permission, should be levied, thus preventing holders of occupied lands from selling even their acknowledged surplus produce from such lands in the dearest market where they can command the best prices, and compelling them to sell the same in the local, and presumably the cheapest, market for the benefit of local consumers and to the immense advantage of the public exchequer. Such a proposal will result in immensely depreciating the value of land in the Thána District, and there is apparently no valid reason why, if such a restriction is to be imposed on the disposal of tree-produce of occupied lands a similar restriction should not be imposed on the cereal produce both of rice and *varkas* lands. Such a proposal need not, however, be further discussed, for no Government with its free trade instincts and traditions will tolerate it for a moment. The fate that overtook Sir George Campbell, the former Lieutenant Governor of Bengal, on his proposing during the Bengal Famine of 1873-74 to prevent the export of rice from that province, ought to be sufficient to deter others of his class from repeating proposals of a similar or more objectionable character.

3. Method No. 3 is objectionable because it depends for its success on the acceptance of the conditions proposed by each individual occupant, and on an effective annual inspection for the purpose of detecting unauthorized cultivation in the allotted *shindádi* lands. And, moreover, it appears to the Association that the inducement held out in the proposal is, if not altogether delusive, at least too meagre to produce the desired result. If Government can be induced to authoritatively propose some better terms it might then be worth while to seriously consider them. As it is, it is sufficient to say that for the reasons given above the proposal embodied in the question under reply is one which is simply unacceptable.

4. Method No. 1 (*b*) is the only one which, in the humble opinion of the Association, will answer the purpose aimed at. Several representative witnesses examined before the Commission on behalf of the Association have already expressed their opinion that in view of the several temptations too strong to be resisted by rayats of average foresight and intelligence having been necessarily thrown in their way, it becomes necessary to impose certain restrictions on the free sale of tree produce from occupied lands for purposes of trade and the consequent pecuniary profit, so that agricultural interests may not be altogether subordinated to the considerations of immediate pecuniary profit to the occupants. The same representative witnesses have further admitted, directly or indirectly, the impropriety of the system under which occupants may sell for their own advantage the maximum amount of tree produce from their occupied lands, and replace from the common forest lands all materials necessary for their domestic requirements, even though * * * * * * * * * * * * they in common with others have had the right guaranteed to them at the original Survey to supplement from the common forest lands everything which they required, provided that it was not available in their own occupied lands. It will be thus seen that what enlightened public opinion in the Thána District will support amounts to a proposal to legalize restrictions on occupied lands which will prevent their occupants from exporting or selling for export some specified tree produce of their occupied lands unless they undertook to prove to the satisfaction of a competent authority that what they proposed to so dispose of was over and above their domestic and agricultural requirements. The Association entertains no doubt whatever, notwithstanding any thing which the Conservator of Forests, Northern Circle, Mr. Shuttleworth, may choose to say to the contrary, that such a legislative measure will be cheerfully acquiesced in by the Thána rayats provided that adequate guarantees are taken against its being abused in the same way that the Kolvan-Dahánu system came to be abused in the fiscal interests of the Forest Department, and provided that ample legislative provision was made to enable the Thána rayats to supplement their reasonable wants from the common forest lands. The Association here begs leave to briefly set forth to the best of its ability the outlines of the scheme which was agreed upon at a Conference at Poona of the leading and representative rayats from all parts of the Thána District, including the Panvel *táluka*:—

(*a*) An occupant shall be considered the proprietor of every kind of tree-growth on his occupied land, and shall not be required to obtain permission from any officer whatever when he requires any tree produce from his occupied land for his domestic and agricultural requirements.

(*b*) An occupant shall obtain from the *mámlatdár* of the *táluka*, in which his lands may be situated, written permission before he exports or sells for export out of the district any of the following specified tree produce from his occupied lands:— 1 teak, 2 blackwood, 3 *tivas*, 4 *ain*, 5 *khair*, 6 *dhávda*, 7 *kinhai*, 8 *asána*, 9 *bibla*, 10 *mowra*, 11 *nána*, 12 *bonda*, 13 *hed*, 14 *kalamb*, 15 *chandan*, 16 *kosimb*, 17 mango.

(*c*) The application for permission shall be on plain paper, and the applicant, when he obtains permission under the previous clause, shall obtain a pass duly signed by the *mámlatdár*, for which no charge should be levied from him.

(*d*) The application shall be disposed of within two months from the date of its presentation, and if it be not so disposed of within the prescribed time, the

applicant shall be presumed to have obtained the permission applied for. And the *mámlatdár* shall in such a case issue a pass to the said occupant for the quantity mentioned by him in his application.

(*e*) On the *mámlatdár* refusing to grant the required permission the applicant may appeal to the Sub-Judge having jurisdiction in the *táluka*, whose decision shall be final. The party in whose favour the Sub-Judge may decide shall ordinarily be liable for the costs of the other party unless the Sub-Judge decides otherwise.

(*f*) If an occupant, once permitted to export or sell for export a certain quantity of tree produce from his occupied lands, applies for permission, seven years after the last permission, to similarly dispose of an equal quantity, his application shall be granted without further inquiry, provided that the area cleared on the previous occasion has been allowed to remain under tree-growth.

5. The Association is humbly of opinion that all the forementioned guarantees are essentially necessary against the proposed measure being allowed to become a source of revenue to Government or a source of undue hardship to those in whose interests it is chiefly conceived. It is hardly necessary to add that almost all guarantees suggested in the foregoing clauses have been found necessary by the light of past experience, and the Commission does not, it is believed, expect the Association to justify every one of the proposed guarantees by citing incidents in the past administration against a repetition of which they are intended to provide. If required to do so, the Association will be prepared to advance adequate reasons in support of its proposals. It will be sufficient on the present occasion if the Association confine itself to assigning general reasons for such of the clauses as may be in need of such support, and these general reasons will be found in the sequel later on.

6. The proposed measure with all its guarantees is, however, calculated to interfere very materially with the complete freedom, now enjoyed as a right, by occupants in all parts of the Thána District, except the Kolvan and Dahánu *tálukás*. And unless a compensation in some form or other be granted as an adequate set-off for the proposed curtailment of their present unrestricted freedom to do what they liked with the tree-growth on their occupied lands, it is impossible to expect the Thána rayats to cheerfully acquiesce in the proposed measure. At the Conference of the leading and representative Thána Rayats referred to above it was decided that if the proposed measure sketched out above be accompanied by another measure clearly defining the rights of the rayats in the forest lands, as per clauses mentioned below, such a compromise will be acceptable to them as a permanent solution of the present difficulty:—

(*a*) All village cattle shall be allowed to graze free in all forest lands, including even the old Imperial forests, and other waste lands, except the assessed waste numbers and the *kuran* numbers which may have been set aside at the original survey for the purpose of being sold by auction. Non-forest villagers shall not be prevented from grazing their cattle free in such lands where it has been their custom to do so.

(*b*) The rayats shall be allowed to lop any kinds of trees for *ráb*, except teak and blackwood, in all waste lands except the old Imperial forests demarcated before 1870.

(*c*) Wood for agricultural implements, including bamboos, &c., for plantain and *pánvel* cultivation, and other agricultural requirements, such as the erection of cattle sheds, platforms, &c., fencing materials, shall be allowed free from the same area mentioned in the previous clause. The District Forest Officer shall arrange every year to mark a certain number of teak trees in the same area, sufficient for the purpose, from which the rayats shall be allowed to cut leaves required for lining their corn-bins and for thatching their dwellings.

(*d*) The rayats shall be allowed to remove for their own domestic consumption and for sale head-loads of firewood, both dead wood and live wood, free of any charge, provided that live wood of the following kinds of trees is not cut for firewood:—1 Teak, 2 blackwood, 3 *tivas*, 4 *ain*, 5 *khair*, 6 *kosimb*, 7 *dhávda*, 8 *asána*, 9 *tembhurni*, 10 *ápta*, 11 mango, 12 *mowra*, 13 *chandan*.* It shall be lawful for the Collector of the district, on a representation from the people of any *táluka*, supported by at least two-thirds of the members of the Táluka Local Board, to reduce the number of trees thus reserved, but the said officer shall under no circumstances increase their number by adding to those already named.

(*e*) A fee of 4 annas and 8 annas per cart-load of firewood shall be levied on ordinary and large (Mánikpur) carts respectively from any rayat who may remove firewood from the same area for his domestic use or for sugar-boiling, but not for sale.

(*f*) Poor rayats and members of depressed or backward classes may remove free of charge wood of any of the unreserved kinds of trees for repairing their huts, and may remove *kárvi*, bamboos and reeds for their own use or for sale in the same way.

---

* It is needless to add here that the *mowra* and mango trees referred to here do not include those which are claimed by the rayats as their proprietary trees. These latter should be dealt with like similar trees in occupied lands.—*Secretary, Thána Forest Association.*

(*g*) Depôts shall be established at a central village in each of the six circles into which a *táluka* is divided for the purpose of Local Board elections, where superior kinds of building timber and other timber required for making or repairing carts, wheels, axles, &c., shall be kept for sale at favoured rates. The rates shall be fixed in consultation with the Táluka Local Board for each *táluka*, and, when once fixed, shall not be changed except with the consent of such Board, duly recorded at a meeting at which at least two-thirds of the members shall be present.

(*h*). The custom of the people of non-forest villages to resort to the waste lands of forest villages for supplementing their wants in forest produce shall not be interfered with, wherever such custom is now found to exist.

7. The Commission will, it is hoped, not fail to observe that the provisions contained in the foregoing eight clauses do in no way exceed what, in the humble opinion of the Association, the Thána rayats are fully entitled to under the existing law. * * * * * * * * * The Association is further humbly of opinion that, except the old Imperial forests, all other unoccupied, unassessed waste lands in every *táluka*, save those only which are not capable of being reboised should be assessed just in the same way as allotted *varkas* lands were assessed at the original survey, with this difference only that the rates should be somewhat lower, and that the lump sum, thus estimated for the whole *táluka*, should be roughly distributed among the holders of *kharif* numbers in the *táluka* on a scale under which those who have no allotted *varkas* numbers will pay proportionately more than others, and so forth ; and that, such a step having been taken, the said lands should be handed over to the District Local Board for management and control under provisions like those sketched out above. Under such a scheme teak and blackwood will be the only reserved trees, so far as the central Government is concerned, while the revenue from other items will be credited to the District Local Board who will defray therefrom all the expenditure necessary to keep the lands in proper order as regards their tree-covered condition.

8. The Association is, however, not without considerable misgivings that the scheme set forth above may not commend itself to the Commission. Accordingly the Association begs leave to submit another alternative scheme, which will probably answer the purpose almost as well as the preceding one. The Bhivandi, Bassein, Kalyán, Salsette, Karjat and Panvel *tálukás* have already been settled under the Forest Act, and it is believed that the remaining five *tálukás* of the Thána district will be settled on the same lines during the course of a year or two. Though the work already done has been faulty, because done on vicious principles by inexperienced officers, it may be allowed to provisionally stand over, while in the interval active efforts should be made to reboise the lands finally rejected. The disforested waste lands in the six *tálukás* already settled, and those to be disforested in the remaining *tálukás* should be carefully examined with a view to ascertain which of them have already tree-growth in them, and which are capable of being reboised. Such lands together with the area of protected forests should be assessed in the aggregate in the same manner as that described above, and the estimated sum proportionately and rateably distributed among the holders of *kharif* numbers in the *táluka* on the same plan as that sketched forth above. The amount so realized should be spent in bringing about the reboisement of these lands, and it may be confidently expected that, with the co-operation of the village communities, the object aimed at will be secured within twenty-five years. In the meantime the rayats should be accommodated in the manner suggested above in the first scheme, the introduction of the working plans being deferred if necessary, as they will, it is apprehended, interfere with the proper accommodation of the people in respect of their essential requirements in forest produce. After the expiry of the period fixed the area so reboised should be supplemented by disforesting a further area from the already constituted reserved forests, and the whole should be constituted village forests and handed over to the District Local Board for management and control under the professional advice of the Forest Department. In the village forests to be so constituted even the teak growth should not be absolutely reserved to Government, but the revenue realized from the teak cuttings should be equally shared by the central Government and the District Local Board.

9. It will not be denied that the policy, laid down by the Imperial Legislature in its Forest Act, contemplates the formation of village forests, and that unless they are so formed, the policy of the Act can never be said to have been completely carried out. As the village forests have to be formed out of the Reserved forests, they may even now be said to be existing in an embryotic condition in the existing Reserved forests. When this view is borne in mind, the Commission will, it is hoped, agree with the proposal set forth above for the further disforestation of lands from the area of Reserved forests. From the very commencement of the forest administration in the Thána District the necessity of the formation of village forests was fully recognized. The first trace we find of them is in the administration report by Dr. Gibson for the year 1856-57, in paragraph 78 of which he wrote as follows :— "Mr. Law, when Collector of Thána, had, in concert with me (in 1845 or 1846), assigned to each village a timber reserve proportioned to the size of the village bounds, and it was ordered that this reserve, as well as the timber growing in what is called the *shindádi* ground of the rayats,—that is, ground wherein grow the trees or bushes from whence the material is cut for burning in the adjacent fields,—should be carefully preserved for village

use." Later on, that is, twenty years afterwards, we find the system of village forests further extended and formally recognized under the law then in force for the administration and control of waste lands. And finally as regards the provisions for constituting village forests out of the Reserved forests we find the Select Committee on the Indian Forest Bill of 1877 reporting as follows to the Legislative Council :—"Section 28 has been amended in phraseology, so as to admit of forests, the use of which is essential to village communities, or in which such communities have rights jointly with Government, being assigned to such communities, under suitable precautions against waste or misappropriation." It cannot be for a moment doubted that the use of the old village forests, formally demarcated twenty years since, is essential to the village communities in the Thána District, and that their right of user therein was formally recognized under the Survey Act of 1865 by the said village forest being formally assigned to them. The Government is accordingly bound both morally and technically to see that the conditions on which the assessment was fixed nearly thirty years since are not suddenly and in a light spirit disturbed on the strength of any plausible and specious considerations; and this view of the obligations of Government under the survey and settlement system, * * * * * * * is fully shared by His Excellency the President of the Local Legislative Council.

10. As regards the reboisement of the already disforested waste lands in the settled *tálukás*, to be brought about principally by means of the land revenue to be assessed on them, the Association is humbly of opinion that the object aimed at is easy of complete attainment, if only carried out honestly and with a single-mindedness of purpose; and the Commission, having very recently had an opportunity of witnessing the result of an honest and *bonâ fide* attempt at reboisement in the case of the Bhámburda Reserve, which only eight or ten years since is said to have presented as miserable an appearance as that now presented by the surrounding hills or the adjoining *gáirán* number, will, it is hoped, not deem the Association too sanguine in expressing the opinion it has expressed above. Similarly the Association confidently hopes that the suggestion made above that the land revenue realized from these lands should be wholly devoted to their reboisement and to the continued maintenance in them of the supply of the necessary materials, will commend itself to the Commission. From the inquiries which it has been able to make, the Association is in a position to say that the approximate acreage of the portion of the now disforested waste lands in the Kalyán *táluka*, capable of being reboised, together with the present area of Protected forests, will be 10,000 acres, which at the rate of one anna per acre will produce an annual revenue of Rs. 625, which together with Rs. 39-1 as the Local Funds share thereon ought to form a substantial nucleus of a fund for the reboisement operations connected with this area. And if such proceeds are steadily and systematically devoted to the purpose indicated above for a period of twenty-five years, there is no reason why the same beneficial results should not accrue, which are at present observable in the case of the Bhámburda Reserve. A similar sum would be available in the case of the other *tálukás*, and the Association entertains no doubt whatever that the people in the Thána District will cordially co-operate with the authorities in the proposed reboisement operations.

11. It need hardly be stated here that the acceptance by the Association on behalf of the Thána rayats of the principle of legalizing, with the reservations mentioned above, the imposition of a restriction on the free sale of the specified tree-produce from occupied lands is conditional upon the acceptance by the Commission and the Government of either of the two alternative schemes formulated above for the formal and legal recognition of the customary rights of the Thána rayats in the waste lands of their villages and the Association is humbly of opinion that the same legislative measure which enacted the former regulations ought to enact the other part of what may be regarded as a *concordat* after its acceptance. It now only remains to show cause why the Association insists and lays stress upon the principal provisions of this dual measure.

12. The Association will take *seriatim* the provisions of the first part of the dual measure, and will to the best of its ability justify the necessity of specifically enacting them :—

(*a*) Colonel Godfrey was requested by the Association in one of its questions (*vide* question No. 6) to produce a document issued by competent authority showing, firstly what object the Survey officers had in view in prohibiting the sale by the Kolvan and Dahánu occupants of the unreserved trees in their holdings, and secondly in whose interests the restriction was imposed, whether in the interests of the occupants themselves to save them from their own improvidence or in the interests of Government revenue. Colonel Godfrey was unable to produce any document, and it will be remembered that the answer which he ultimately recorded was given by him with considerable hesitation and after some observations by the Chairman of the Commission to the effect that he himself held the said restriction to have been imposed in the interests of the occupants themselves, and that, as acting Collector of Thána, he had given effect to his views in a practical manner. Both Mr. Atkins and Mr. Shuttleworth, unlike Colonel Godfrey, hold the extremely opposite view that the restriction was imposed solely in the interests of Government revenue. During Mr. Mulock's administration as Collector of Thána,

this latter view was the predominant view on the question, even though there is not a single syllable either in Major Waddington's reports on the survey settlements of these two *tálukás* or in the Government Resolutions sanctioning those settlements to support that view; on the contrary there is ample internal evidence in both to clearly indicate to any *experienced and unprejudiced* mind that the restriction on sale for export was imposed solely in the interests of the occupants themselves to save them against their improvidence, and that Government was anxious that the necessity for imposing such a restriction would soon be removed altogether. In spite of such clear evidence as this, this simple question has been allowed to be shrouded in a cloud of darkness to the present day, and until within a few months even the Umbargaon settlement, which had nothing in common with the Dahánu settlement, was allowed to be shrouded in the same cloud of darkness. The result produced by such a confused state of things has been most mischievous (*vide* Exhibit Nos. 38 and 86 to the Thána Oral Evidence), and hence the necessity of having a clear and definite declaration, so that no ground might be left in future for any misunderstanding whatever. Similarly a clear declaration on the other subject noted in this clause is essentially necessary, and the necessity for it will, it is hoped, be readily admitted by the Commission when the fact that the present Kolvan-Dahánu practice of requiring an occupant to obtain permission previous to cutting any tree from his occupied lands for domestic and agricultural consumption has during recent years proved to be a most fruitful source of every kind of oppression. And it need hardly be stated that if the system is honestly worked, it must practically remain a dead letter. The reasons for the Association coming to such a conclusion are identical with those recorded by Messrs. Ashburner and Pedder in their special report No. B.—3, dated the 22nd September 1875 (paragraph 20), to which the attention of the Commission is respectfully solicited. In that paragraph it is stated :—"People must have good *bábhul* or *ain* timber for their implements and if they cannot get it by fair means they will steal it. It is out of the question to expect a man who has broken the handle of his plough to march on 30 miles to the nearest *mámlatdár* and remain there till a reference has been made to the Assistant Collector or Conservator and permission obtained to cut a tree to supply his wants; *yet this is what the Conservator proposes.*"

(*b*). For the same reasons which dictate the desirability of having a declaration as regards the proprietary rights of occupants to all trees in their *varkas* lands, it is necessary to declare the occupants to be the unlimited and unrestricted proprietors of some kinds of tree-produce from their lands.

(*c*). No special reasons need be assigned for this provision.

(*d*). This provision will, it is hoped, be admitted to be necessary in view of the scandalous delay which has during recent years been allowed to take place in disposing of applications under the Kolvan-Dahánu rules (*vide* Exhibit No. 62 to the Thána Oral Evidence).

(*e*). The necessity of providing for an appeal against the decision of the local executive authority will, it is hoped, be frankly admitted now that the gross and grievous abuses of the Kolvan-Dahánu system have been fully unmasked. There can be no guarantee that what has occurred in the past will not occur in the future, while the fact, that under the proposed provision the costs of the other party will ordinarily be thrown on the losing party, will, it is presumed, act as a deterrent to the privilege being vexatiously exercised, and will also, it is further presumed, ensure a due inquiry by the local executive authority before disposing of the application. As the restriction proposed in clause (*b*) is intended solely in the interests of occuptants themselves, and not in fiscal interests, it is hoped that this provision, by which a legislative guarantee is proposed to be given that the restriction will not be abused, will not be grudged. It need hardly be pointed out that it is not intended by this provision to break through the practice of the Legislature of not giving any jurisdiction to the ordinary Civil Courts in fiscal matters of Imperial importance.

(*f*). This provision is also necessary as a further safeguard against the abuse of the power to be vested in the local executive authority by the proposed measure.

13. The Association will now turn to the other part of the proposed dual measure and will deal with the provisions thereof *seriatim*.

(*a*). This provision does not call for any special remark beyond this, that the right of free grazing having been enjoyed in these lands from a period even anterior to the Survey, no interference with it should be tolerated. It should be remembered that even the old Imperial forests of the *ante*-Forest-Act period were not free from such rights, because it was the acknowledged policy of the Government of India, ratified by the Imperial Legislature in 1865 (*vide* Act VII. of that year), to preseve the existing rights intact, and it cannot be supposed that a subordinate presidential Government, like the Bombay Government, was permitted

to extinguish those rights by a mere executive order, even though the permissive law of 1865 was never extended to this Presidency, probably because everything needful was as well done under the local Act (Act I. of 1865).

(*b*). This provision too does not call for any special remark beyond this that, as abundantly proved by the condition of the Kolvan-Dahánu *varkas* lands (*vide* Thána Oral Evidence, page 49, Mr. Atkins' reply to question No. 10, and also Mr. Wilkins' reply to question No. 1 by the Association) and as freely admitted by Mr. Sinclair (*vide* his reply to question No. 13 by the Association) that "the grant of leave to lop for manure from any forest which can afford them" would not be "incompatible with a working plan" providing for a maximum yearly outturn of firewood, this right can be formally acknowledged without any *real* injury to the forests.

(*c*). No special remark appears to be necessary.

(*d*). In connection with this provision it should be remembered that the quantity of *bonâ fide* dead wood in any given forest lands is necessarily restricted, and that unless the rayats are freely allowed to supplement the dead wood supply by cutting live wood from inferior kinds of trees, they are forced to manufacture the additional supply of dead wood or to cut live wood in utter defiance of all regulations to the contrary. This is the necessary and inevitable result of such insane and gratuitous attempts to interfere with the long established customs of intensely conservative communities. It is proposed by this provision to declare the trees mentioned therein as reserved for timber, and by a reference to the reports of the Forest Committees of 1863 and 1875 it will be seen that a considerable addition has been made to the "reserved" list. This list ought to satisfy all the reasonable requirements of a *rational* forest policy; for it should be remembered, to quote the words of the report of the Committee of 1875 (*vide* paragraph 19), that "all the *most valuable* timber," and a good deal more, "will be included in the reserved list," as proposed in this clause. And it is presumed that the revenue realized under clauses (*e* and *g*) will be more than sufficient to defray the expenses for ensuring a continuous supply from these lands of all the requisite materials. When the comparative condition of the several *tálukás* in respect of their present denudation or otherwise is duly taken into consideration, it will not be denied that in some *tálukás* it may be found necessary to reduce, of course temporarily, the number of "reserved" trees, and accordingly it has been thought advisable to provide a means for having the needful done promptly and in time. The truth is that for some time to come the district executive of Thána must be vested with a large discretionary power to ensure a fairly satisfactory working of any scheme whatever, and that any hard and fast rules will never do. The scheme must in short be fairly elastic.

(*e*). This provision calls for no special remark beyond this that the rates of fees proposed therein are more than moderate, and are, even so far as they go, an encroachment upon the rights guaranteed to the Thána rayats at the time of the original Survey. Nevertheless, having due regard to the requirements of a progressive state of civilization the conference of the leading representatives of the Thána rayats referred to above would not object to the principle underlying both this and the last clauses. In this very connection and with reference to a similar proposal made before for utilizing the institution of Local Boards it may be useful to note the following extract from Mr. Sinclair's reply to special question No. 3 by the Commission:—"In this district (Kolába), as long as I can remember it, there has been a practice of giving the villagers at large an opportunity of objecting to the sale of occupancy rights in Government waste land, *even if assessed*, and in many cases the Revenue officers have in consideration of the representations of the villagers refused to allow land useful to the whole community to pass into the hands of private persons, though the legal right of Government to sell the occupancy was undoubted." The practice described here is favourable to the proposal made, and should be legalized in the form suggested as being a more constitutional one. It may also be observed here that this practice shows conclusively what the Legislature meant when it enacted the provisions of Section 38 of the Land Revenue Code.

(*f*). This provision calls for no special remark, as its justification is apparent on its very face.

(*g*). Ample evidence has already been recorded to show how the Forest Department impelled by its strong revenue instinct, has wantonly and in utter disregard of every "common sense" view of the question enhanced the rates of fees or prices for several articles of forest produce. As a safeguard against this grasping "greed" of the department it is proposed to provide by this clause that the rates for the articles to be sold at the depôts shall not be fixed or altered except with the sanction of the Local Board. The Boards which are already invested with considerable power and which are now *bonâ fide* representative in their character, can safely be entrusted with this additional power.

(*h*). So much has already been said in the first part (paragraphs. 4 and 6), against the distinction at present drawn between forest and non-forest villages, that nothing more need be said in favour of this clause.

14. Here the Association would in a general way request the attention of the Commission to the report by the Committee of 1875. If Messrs. Ashburner and Pedder had had before them the evidence now placed before this Commission, they would surely not have recommended the institution of the distinction between forest and non-forest villages; neither would they have erred in supposing, as they did, that "a certain area of *varkas* land was allotted by the Survey to *each owner of rice lands for the express purpose of supplying rab.*" When these two errors are eliminated from that report, a perusal of the paragraphs (15-18) of that report will conclusively show to the Commission that the proposals of the Association, noticed in the foregoing paragraph, are identical in spirit and substance with the recommendations of that Committee. And when these lands are assessed to the land revenue in the aggregate, and all villages are made to contribute their fair share, there will be no necessity whatever for insisting on the distinction now drawn between forest and non-forest villages being maintained and perpetuated.

15. Two points only remain to be noticed. The first is that Government must once for all in some way or other dispose of its right to reserved trees in occupied lands; while the second is that the system sketched out above must be made applicable equally to all the *tálukás* of the Thána District, including the Panvel *táluka*, whether they were settled before or after 1863. The advantages to be derived from the adoption of both these suggestions are so self-evident that the Association does not feel itself called upon to say anything more in particular defence of these suggestions.

16. As to questions Nos. 2 and 3 the Association is humbly of opinion that the proposals contained in the former of these two questions are sound and practical, and that they should be carried out at the earliest possible moment. The Association begs, however, to offer a few suggestions for the favourable consideration of the Commission.

(*a*). The Association is not aware how the girth of a tree is ascertained, whether by taking its diameter at the base or some feet above; but it is humbly of opinion that the girth should be ascertained at a point four feet from the base.

(*b*). The Association is afraid that the amount of purchase-money will in several cases be so large that occupants will not be able to find the necessary amount even in instalments except by resorting to the money-lender. This evil, inseparable as it is to some degree from the proposed measure, need not, in the humble opinion of the Association, delay the early carrying out of the measure, but steps should be taken to minimize it. The Association thinks that if an occupant after he shall have paid the purchase-money be allowed forthwith to cut one-eighth portion of the number of trees calculated at the time of valuation and dispose of them as he liked, and if moreover the same operation were repeated every alternate year till ten years shall have elapsed from the date of sale, the evil will be effectually minimized. The adoption of this suggestion will, it is confidently hoped, ensure the purchase by every occupant of the reserved trees in his lands, and will altogether dispense with the necessity of Government being compelled to cut the trees within two years in those cases where occupants may not be able to purchase the reserved trees. It will also be an effective answer to Mr. Shuttleworth's objection to his Department being compelled to cut and remove the unpurchased trees within two years. When the cuttings are so distributed over a period of ten years, no reasonable apprehensions need be entertained regarding the overstocking of the market. And finally the Association would commend the proposed measure on the ground that it will be a means of restoring the public confidence in the policy of Government as regards trees in occupied lands.

(*c*). The Association is humbly of opinion that as the only two *tálukás* in which at the time of the original survey *tivas* trees in occupied lands were reserved to the State are Kolvan and Dahánu, they should be treated in the same way as the other *tálukás*, and should be exempted from the necessity of having to purchase these trees. There is scarcely any valid reason why the Survey should have treated only these two *tálukás* differently from the rest of the district by adding to the number of reserved trees, the more especially because the occupants in both these *tálukás* have been paying assessment on the *varkas* lands at almost the same rate as that now prevalent in the adjoining *tálukás*. Under these circumstances the Association is humbly of opinion that *tivas* should not be considered as a tree of the reserved kind for purposes of this measure.

(*d*). The Association is further humbly of opinion that trees of the reserved kinds standing in *kharif* and garden lands and in private compounds in village sites should be exempted from the operation of this measure.

17. The measure, when carried out, will to a considerable degree produce the result indicated in the third question in the case of those occupants only who may have got a large area of teak-covered *varkas* lands; and as the number of such occupants will be found to be small compared with the total number of occupants in each *táluka*, except perhaps in the

tálukás under the Kolvan and Dahánu settlements, the Association fails to see how any measure affecting a comparatively small fraction of a community can be expected to produce such a large result as that indicated in the question. The measure suggested in the second question would appear to be put forward mainly on the ground of the extreme desirability of handing over *varkas* lands to their occupants unencumbered with any Government rights, and not so much with the view of dispensing with the necessity of recognizing the long established customary rights of the people in waste lands. The two things are quite distinct from one another, though, as has been already pointed out above, the imposition of a restriction on the free sale of wood from occupied lands for the purpose of trade may confidently be expected to proportionately reduce the drain on the common forest lands on the part of those who hold large areas of tree-covered *varkas* lands.

18. The Association is humbly of opinion that the necessity for making any of the arrangements suggested in the fourth question will be obviated by the adoption of any of the alternative schemes respectfully submitted for the favourable consideration of the Commission in the reply to the first question. The Association with all deference due to the Commission would respectfully submit that in its humble opinion the adoption of any of the two alternative schemes formulated by it in its reply to the first question would meet the exigencies of the case far more effectually than the adoption of the scheme formulated by the Commission in this question, and, what is more important, without any injury whatever to the real interests of *rational* forest conservancy. The Association begs here to put upon record some of the reasons which have led it to come to the conclusion recorded above. Enough has already been said above to completely discredit the "commutation" theory in connection with the *varkas* numbers allotted at the time of the original Survey. The Association feels accordingly no hesitation whatever in giving an emphatically negative answer to the first sub-question under this head, namely, whether the original allotment of *varkas* lands can be regarded as a complete commutation of the rights of *ráb* user exercised in the waste and otherwise unoccupied lands by the holders of *kharif* lands previous to the Survey.

19. Here at the outset the Association would observe that it is a great mistake to suppose that the whole, or a principal portion either, of the *varkas* lands allotted at the time of the original survey was intended to be a provision for the *ráb* material necessary for the cultivation of *kharij* lands; on the contrary a very considerable, if not the principal, portion of these lands were all along meant to be used for the cultivation of coarse grains, such as *nágli*, *vari*, &c., which form the staple food of the great bulk of the agricultural population of the Thána District. These lands, so far from yielding any *ráb* materials worth taking into calculation, themselves depend upon other lands for the said materials required to make them yield the crop of coarse grains to the cultivation of which they are principally devoted. It will be thus seen that in estimating the *ráb* requirements of an occupant it will never do to take his *kharif* land only into consideration; his *varkas* land under cultivation must also be taken into consideration. When this fact is borne in mind, it will be seen how difficult it would be to satisfy the claims of all holders of such cultivated lands by the individual allotment of additional *shindádi* lands from those areas from which they have been wont to satisfy their requirements in the said direction. One and the same piece of unassessed waste land, in which an individual occupant has an exclusive *ráb vahivát*, is burdened with the grazing, fuel, or some other *vahivát* of other occupants, and accordingly to allot such a piece of land to the former would be a grievous interference with the perhaps more important *vahivát* of other holders. This is a factor in the question which, in the humble opinion of the Association, precludes all possibility of making additional allotments to individuals in such a manner as to in no way interfere with other vested interests. A very large portion of such lands, if now included into forests, will have to be eventually thrown out of the Reserved forests and assessed in the lump in the way suggested in reply to the first question, the assessment being distributed over the holders of cultivated lands in the village or villages which depend upon them; and when they are so dealt with, the object aimed at will be carried into effect without in any way interfering with any one's vested interets, while all those who use them will have paid their fair portion of the assessment thereon, and no single individual will be able to claim any individual and exclusive proprietary right in any single portion of it. This is an advantage which the scheme put forth in the question cannot claim, and the importance of which cannot be exaggerated. The land revenue, thus realizable from these lands together with the income which will be annually forthcoming from the teak cuttings in these lands, may not perhaps equal in amount the revenue derivable from the theoretical maximum supply of produce from these very lands under the working plans system; but as the present income from the land revenue on allotted *kharif* and *varkas* lands was fixed on certain conditions, the principal of which is that the rayats would have the unassessed waste lands free to exercise their customary right of user in them as regards *ráb*, fuel, grazing, &c., it may fairly be assumed to include the whole or at least a part of the tax, or rent if it please the Commission to term it so, on these otherwise unassessed lands to which Government is entitled. And if it would afford any consolation to the Conservator of Forests, N. C., the Association would strongly recommend that the new revenue to be levied on these waste lands with the revenue from the teak cuttings should, along with a sum to be deducted from the existing land revenue as representing the part-payment of revenue on these very lands, be credited to his Department. But this inter-departmental jealousy apart, such a settlement of the question ought to satisfy all the reasonable demands of Government, the more so because it will once for all effectually allay all agitation regarding the "burning" question of the day. Indivi-

dual allotments of additional *shindádi* lands being thus out of the question, it may perhaps be more advisable to forthwith exclude from the Reserved forests all those lands the disforestation of which would be necessary if the scheme for individual allotments were carried into effect, and by assessing them along with the already disforested lands capable of tree-growth constitute them real village forests. But it must not be forgotten that till the whole area of these village forests is well covered with tree-growth by subjecting them to the treatment already described at some length, the Reserved forests will have to be thrown open on some suitable conditions for the exercise of the customary rights of the people; if the disforestation of lands from the Reserved forests is to be regulated by the consideration of the capability of the existing disforested lands to be reboised, and *not* by their present denuded condition, as fairly suggested in the question under reply. The scheme set forth above for assessing these lands in the aggregate and distributing the amount in the way suggested above will obviate altogether the necessity of levying the rate of fees, proposed in the question under reply, which in practice will be found to be quite unworkable because unwieldy, and will be the fruitful source of vexation and oppression to the rayats on the part of the officials of any department which may be entrusted with their management.

20. In the humble opinion of the Association the time is still very remote when it may be found necessary to directly or indirectly check the further extension of rice cultivation in the Konkan districts. Under such circumstances it is neither necessary nor profitable to devote much anxious thought to the subject. When the time comes, if it ever comes at all, posterity will know how to deal best with the problem.

21. The Association is humbly of opinion that it is both advisable and necessary to prohibit by legislation the separate sale of *kharif* and *varkas* lands except with the previous permission of a competent officer. The proposed restriction on the separate sale of *kharif* and *varkas* lands is a *sine qua non* of any measure whatever that may be devised for legalizing any restriction on the free sale for trade of any specified or all tree produce from occupied lands; otherwise nothing would be easier than to evade the latter restriction by a *boná-fide* or fictitious (because improvised for the occasion) sale of the allotted *varkas* land the tree produce of which its occupant may desire to sell for export. Of course if an occupant in addition to his *kharif* land has a good deal of *varkas* land, and this latter is mainly devoted to the cultivation of coarse grains, he should not be prevented from selling either of them separately if he chooses to do so. In the same way if an occupant has more *shindádi varkas* land than is necessary for his *kharif* and cultivated *varkas* lands, or he has more *kharif* and cultivated *varkas* lands than his *shindádi varkas* land can reasonably be expected to provide *ráb* materials for, he should not in either case be prevented from selling separately the surplus portion of either description of land. The Association has some good reasons to believe that the Survey Department can undertake, with no doubt considerable trouble but in a fairly satisfactory manner, at the time of the revision survey the preliminary operations that will be essentially necessary for defining particular *shindádi varkas* lands now held as appendages of particular cultivated *kharif* and *varkas* lands. And unless this preliminary definition of lands is effected, even the restriction proposed to be legalized against the separate sale of either description of land will not be practically possible. Here it must be borne in mind that as a general rule it is not customary, even in the Karjat *táluka*, to sell such lands separately; but it is apprehended that if the restriction referred to in the reply to the first question above be legalized without this accompanying restriction, (in which latter case it will be simply legalizing the present almost universal practice), such a half complete measure will demoralize the people and teach them to devise fictitious sales for defeating the intentions of the Legislature. In view of such grievous results ensuing from an incomplete measure the Association has felt it to be its duty to prominently invite the attention of the Commission to this aspect of the question; and having thus discharged its duty, it will leave the subject into the hands of the Commission for such action as it may deem advisable to recommend to Government to take.

22. As regards the two alternative schemes for the supply of firewood, set forth in the seventh question, the Association exceedingly regrets to observe that it unfortunately lacks that professional knowledge of the subject which alone could have enabled it to adequately discuss, and to do justice to, the two alternative schemes set forth by the Commission. The Association is, however, afraid that both these alternative schemes are open to the same observations which the Committee of 1875 (Messrs. Ashburner and Pedder) in paragraph 19 of its report made on apparently a similar scheme by the Conservator of Forests, N. C. That Committee wrote:—

> 19. We have considered the elaborate rules drawn up by the Conservator for the supply of *ráb*, firewood and domestic wood. He wishes to dole out by weight to each inhabitant a fixed and limited annual supply of *ráb*, firewood, &c. We have no hesitation in saying that *his scheme is utterly unworkable.* It would require an army of Inspectors, wood-cutters and foresters to carry out, and *would then be open to the gravest abuses.* The forest establishment is admitted to be insufficient for their ordinary duties, and the Conservator now proposes to undertake the issue of firewood, *ráb* and timber, for agricultural and domestic purposes to many hundred thousand families scattered throughout the Thána District. *We are convinced that the task would be impossible,* and that the only practicable system is to divide each second class forest into three blocks, one of

which should be closed and to open in rotation, and to permit all but the seven reserved kinds of timber to be lopped without restriction, except that leading shoots of trees are not to be cut, but only their side branches. This, it is true, destroys them for timber purposes; but it will be remembered that all the most valuable timber will be included in the reserved list. It is to be understood that forest rights are to be conceded only to those villages which form part of the reserve, but that the reserve itself is to be treated as a whole. *Káb*, firewood and grazing rights are to be enjoyed in common by those villages without reference to village boundaries, but only to those of the blocks which happen to be in working at the time.

The Association would respectfully request the prominent attention of the Commission especially to the italicized portions of the foregoing extract, and, with all deference due to the Commission, the Association would earnestly put it to this body composed of eminently practical gentlemen to say whether in their opinion the state of things in the Thána District has undergone so very material a change as regards the agricultural and domestic economy of its people during the last ten or twelve years as to render workable, possible and free from all liability to the gravest abuses that which only ten short years since two officers of such wide and varied experience as Messrs. Ashburner and Pedder felt no hesitation whatever in stigmatizing as "utterly unworkable," "open to the gravest abuses," and "impossible." There may be those who, gifted with a rare faculty denied to ordinary mortals, and possessed of equally rare opportunities for ascertaining the popular opinion in the Thána District better than an humble organization like the Association, may forsooth be aware of this change, but the Association with all its sources of information must humbly plead its ignorance of this momentous change. The Association exceedingly regrets to have to observe that it cannot say anything further in reply to this question.

23. As in the case of the last question, the Association does not possess any adequate information about the orders which regulate the relations of the officers of the Revenue and Forest Departments; and the Association is accordingly unable to offer any detailed suggestions on the subject beyond a few general ones. The Association, however, fully concurs with the Bombay Government in thinking (*vide* Government Resolution No. 3755, dated the 6th August 1870) that this question "hardly admits of being defined by precise rules," and that "much must necessarily be left to the good sense—" perhaps "the common sense," as shrewdly and very justly suggested by Mr. Sinclair in his reply to this very question—"of the officers concerned." It has been already pointed out in the Association's first statement (*vide* Volume III, pages 147—157) in reply to the circular questions by the Commission that whatever the intentions of the Bombay Government in 1870 when the Forest Department was organized on an enlarged basis, the practical result of the step then taken has been, as very pertinently observed by Mr. J. M. Campbell, C. S., at a meeting of the Allahabad Forest Conference of 1873-74, that "the Collectors thus became mere post offices, and lost all interest in the work, and only antagonism arose instead of co-operation." If this description be true of the state of things that prevailed in 1874, and there is no reason to question its accuracy as it was openly made by an accredited representative of the Forest Department in this Presidency, it is infinitely more so now; and the Association is humbly of opinion that unless the *status quo ante* as regards the supremacy of the Collector in respect of all matters pertaining to the forest administration of the district were restored not in name but in reality, a smooth working can never be expected. The past experience has, in the humble opinion of the Association, most clearly established one fact that it is *not* safe to rely even upon "the common sense," still less upon "the good sense" of the officers concerned for the harmonious and smooth administration of forest matters in a district like Thána especially. You cannot have two kings of Brentford, and if you do make an heroic effort to achieve this impossible feat, the inevitable result must be a scandalous friction between the two rivals, each contending for undivided supremacy, like the one witnessed in Thána in 1883 and 1884. The simple undeniable fact that even an officer like Mr. Mulock with all his active sympathies in favour of a strong forest policy was compelled to fall out with the head of the Forest Department affords a very strong proof that so far as the Thána District at any rate is concerned, this experiment of establishing a twofold co-ordinate authority has failed and failed miserably. If the Commission will be pleased to send for the correspondence that took place towards the close of 1882-83 between the Collector of Thána and the Conservator of Forests, N. C., on the subject of the delay in submitting the report of the Thána Forest Conference of that year, its perusal will, the Association ventures to confidently hope, throw a flood of light on this and other connected subjects.

24. With reference to the ninth question the Association feels almost confident that the apprehension entertained in the first part of this question as to the probable result of forest conservancy on village pasture lands in the Konkan districts is well founded. And the Association is further humbly of opinion that the deficit in grass will not, even to a considerable extent, still less fully, be made up by the available quantity of leaf-fodder. The best course to follow under the circumstances is to put only a portion of the lands under forest conservancy and to increase the quantity and improve the quality of the grass in the other portion.

25. With reference to the last question of the series the Association has, for reasons which need not be stated, nothing to say in reply.

Exhibit No. 1.

(Referred to at page 250.)

To the Honourable A. D. ROBERTSON,
Officiating Chief Secretary to Government, Bombay.

Camp Mátherán, 10th December 1863.

Sir,—With reference to Government letter No. 4064, dated the 14th ultimo, we have the honour to state that the committee assembled on the 24th ultimo, and having carefully considered the questions to which their attention is specially directed, and having also perused the correspondence that has been laid before them, they would now proceed to record their opinion on the several subjects upon which they are requested to report.

What are the existing rights of Government and private Proprietors?

2. With regard to the first question "what are the existing (forest) rights of Government and of private proprietors?" The committee feel some difficulty in replying to this question in the precise manner which the enquiry would seem to demand. In the first place they are unable to trace any authentic record of such rights; nor are they aware of any attempt having hitherto been made to define them. The practices of the past and present Governments in respect to forest property are the only data from which the history of the existing rights of the State can be traced.

3. The Committee are inclined to think that in periods not far remote, the Forest rights of the governing power in this country were very similar to those exercised by the State in the British Islands in former times. From an account of the forests in England, to which they have referred, they find that before the passing of the Bill called the "Charta de Foresta," "the Sovereign could make a forest of any extent over the lands of his subjects." No private property in forests appears to have been recognized at that time, and there was probably a time in the history of the Government of this country when the same laws obtained.

4. This opinion appears to be borne out by the circumstance that in *kauls* or leases or grants of *inám* estates made by the Peshva's and subsequently by the British Government, it has been the custom to insert a special clause relating to forest privileges, and hence it has been the rule of Government not to recognize the existence of forest rights in *inám* villages unless the *sanad* or grant contain the clause referred to. And it may be further remarked that on all occasions in which any landholder has laid claim to forest rights in the civil courts, he has invariably done so on the strength of some document in which Government have made these concessions.

5. From this it may be concluded that the past and present Governments of this country have invariably exercised a right of property in all forests; and furthermore that wherever such property is now enjoyed by private individuals, it is by virtue of grants or concessions derived from the ruling power.

Existing rights of Government.

6. The rights of the State as they now exist appear to be confined to *inám* villages and lands where no special forest rights have been granted; to the reserves where they have been formally marked off, and where no such demarcation has been made, to certain tracts over which no cultivation or *ráb* rights exist; to the tops and slopes of all hill-forts, and to all unoccupied and waste lands. Private property, as a general rule, is recognized in a greater or less degree in trees in occupied and *ráb* lands, with the exception of teak and blackwood, which have always been regarded as royalties, wherever growing.

Concessions made by Government.

7. The State has, however, of late years foregone its rights to a considerable extent. Amongst the instances of this the Committee would enumerate the concessions to private proprietors of property in trees growing in cultivated lands. This right had probably been exercised from a remote period, but the formal admission of it was not made till the issue of the Survey Rules, which appear to be the first acknowledgment of it on the part of the State. The area also over which Government exercised forest rights has of late years been considerably circumscribed owing to the increase of cultivation. As fresh land was required for such purposes, forest rights had to give way to the pressing wants of the community, and thus tracts which were formerly covered with jungle have been cleared, and the forest claims of the State have disappeared with the clearance.

Rights of Private Proprietors.

8. The rights of private proprietors, as we have shown, are such as have been specially conceded to the cultivators by the State, and such proprietary forest rights as have been expressly granted by the State in *sanads*, leases, *kauls*, or other documents.

Privileges enjoyed by the agricultural classes.

9. But besides the rights of private proprietors, there are certain privileges in respect to forest lands which the agricultural classes have enjoyed. They may be enumerated as follows:—

1*st*.—The privilege, according to the custom of the country, of cutting grass and brushwood (the materials used as *ráb* or manure) upon certain tracts of land attached to their rice fields.

2*nd*.—The privilege of cutting firewood gratis in the Government forests for domestic purposes.

3*rd*.—The privilege of free grants of wood for agricultural purposes and dwelling-houses, subject to special permission.

Ráb privileges.

10. With regard to the first privilege. This subject was fully discussed by Government when the first Survey Settlement was introduced into the Konkan in 1855. It will be seen from the correspondence that although Government admitted the propriety of continuing this privilege, they did so on the express condition that lands used for the purpose should in future be subject to assessment, and not enjoyed rent-free as heretofore. Government at the same time recorded* their opinion on the wasteful nature of this practice in the following terms :—

* Government letter No. 3370, dated 2nd September 1856, paragraphs 11, 13 and 14.

Paragraph 11.—"A large proportion of these hill lands, whether cultivated or otherwise, are described as being attached to the rice lands of the village; that is, a certain piece of hill land is allotted to each field of rice cultivation, and is considered essential to its proper culture, inasmuch as it affords a supply of grass and brushwood for *ráb* or wood-ash-dressing; but all the hill land so attached is not required for this purpose; a portion is cultivated with inferior crops called *varkas*, and a portion produces grass for the rayats' cattle or for sale; other unattached portions of the hill lands are reserved for *gurcharan*, or common pasture, and as Government forest and waste."

13.—"His Lordship in Council cannot but think that the practice of manuring the rice lands with wood-ashes which prevails in the Konkan, and which demands for its support a most wasteful appropriation of large tracts of hill land for brushwood, may have its origin quite as much in the gratuitous terms on which the fuel has hitherto been obtainable as in the absolute necessity for supplying ashes to the soil. No such system of manuring is found in other rice-producing districts in India, and it is possible that its use in the Konkan is attributable to local circumstances of revenue management rather than to peculiarity of soil."

14.—"Whether this conjecture is well or ill founded, it cannot be doubted that sound principles demand the taxation of these hill lands irrespective of the uses to which they may be applied by their occupants."

11. The Committee would respectfully record their concurrence in the above remarks. But as the lands over which this privilege is exercised have been regularly assessed on the extension of the Survey to each district, there is no longer the same objection to the practice as when enjoyed gratis.

Firewood gratis to cultivators.

12. With regard to the gratuitous supply of firewood for domestic purposes. There is little doubt that originally the extent of forest was such, and the quantity of fuel actually required for village wants so small in proportion, that naturally no attention would be directed to the waste occasioned by providing this supply. Every consideration leads the Committee to recommend the continuance of this privilege, even although the value of this article of consumption has greatly increased, and the amount of our jungle resources is diminished. They purpose† hereafter to explain the arrangements under which the pirvilege is to be continued.

† See paragraph 33.

Free grants of wood for agricultural and special purposes.

13. The Committee would next refer to the privilege enumerated under the third head in paragraph 9, *viz*., that of free grants of wood for agricultural purposes and dwelling-houses, subject to special permission. They consider this privilege as differing materially in its conditions from that of the free use of firewood. They would regard the latter as a right pertaining to the village community, such as exists in respect to lands set apart for public grazing-grounds, or for other purposes common to the village in general. On the other hand, the practice of obtaining wood for building purposes and agricultural implements has been a personal privilege, which the State could grant or withhold as might seem expedient. No rayat for instance could cut wood for such purposes without the permission of the revenue authorities; he could, however, obtain supplies of firewood without the intervention of any authority.

14. In drawing attention to the difference in the conditions under which these two privileges have been enjoyed, the Committee would observe that though averse to interfere with a practice designed so exclusively for the benefit of the agricultural classes, as that of supplying them gratis with wood for agricultural implements and houses, they consider that attention to the future wants of the State, and of the public in general, demands a more economical use of existing resources of wood.

15. The time, in their opinion, has arrived when the cultivating classes, who have profited so much from the recent rise in the price of agricultural produce of all kinds, coupled with the light assessments which have become general under the Survey Settlements, may justly be required to provide the wood for their farming implements and for their houses also.

16. There may be cases where, from heavy losses by fire, it would be an *act of charity* to furnish wood sufficient for the small hut which a rayat under such circumstances would require to erect. The Committee would leave it discretional with Collectors to grant wood in such cases, but would recommend as a general rule that free grants of the kind referred to should be discontinued.

17. They consider that the practice would not, perhaps, be objectionable, or in its operation have much effect on our future supply of wood, if it were practicable to confine the grants under it *to the wood actually required for the purpose set forth.* But when whole bodies of villagers come forward and demand wood for houses and implements, it is obvious that the privilege is greatly abused. The Committee would refer to a petition from the villagers of the Nágotna districts in which upwards of 700 people applied in one petition for a grant of wood of the value of Rs. 20 each, that being the amount sanctioned for such grants by the Revenue Commissioner's order quoted in the margin. In this case it was clearly a combination, not of the rayats, although they were ostensibly put forward, but of wood-dealers in the district, who no doubt would have sent the wood to the Bombay market had the grant been acceded to.

Total value of wood applied for Rs. 14,000.

18. There are many cases where the privilege has been abused in this manner, and as the Committee see no practicable means of protecting the State against future combinations of the kind, they would recommend the discontinuance of this special privilege.

19. In the next question the Committee are required to explain how far the Forest rights of Government and of private individuals have been investigated and defined by the Survey. They consider this inquiry to have special reference to the Thána Collectorate, and will therefore confine their remarks on the subject to a short explanation of the manner in which the operations of that department have affected the several privileges of the agricultural classes in that *zilla.*

Extent to which Forest rights have been defined by the Survey.

20. The lands appropriated by the village community to the growth of brushwood and grass, used as the *ráb* materials for rice lands, have been recognised by the Survey as part of the rayats' holding. All lands of the kind have been measured off into separate survey numbers or divisions, assessed at fixed rates, and their limits defined with boundary-marks. Individual claims were carefully inquired into at the time of survey, and lands over which the privilege of cutting grass and brushwood extended were recorded as part of the rayats' holding. In short, the right over such lands has been recognised as differing in no way from that pertaining to cultivated lands generally.

21. The Survey has recognised the proprietary right of the occupant to all trees growing in *ráb* lands, with the exception of teak and blackwood, which in these and all other lands are regarded as royalties. But even this special reservation has been relaxed by recent orders,* rayats being permitted to purchase such trees when situated in their holdings.

* Letter from Revenue Commissioner, N. D., No. 2545, dated 13th October 1862.

22. The privilege enjoyed by the rayats with regard to firewood was not a subject of enquiry for the Survey, and no action consequently took place in the matter.

23. In addition to dividing into separate allotments the lands used for *ráb* the Survey has marked off tracts for cultivation, where such have existed distinct from *ráb* land; tracts for forest reserves, tracts for *dalhi*, where it has been considered necessary to permit that kind of cultivation; and tracts for public grazing land. The forest allotments and the grazing lands have not in all cases been kept distinct. This point will be referred to more particularly when discussing the arrangements which the Committee would propose.

24. There is one district, however (Nasrápur), where the definement of the *ráb* and forest lands was not made in the manner explained in the preceding paragraphs. It was the first to which the Survey was extended, and the plan of operations approved of at that time comprised a detailed field survey of the rice and garden lands *only* without any division of the *ráb* cultivation or forest lands. The whole of these lands consequently form one entire tract on the village map without any definition of their respective boundaries. It will be necessary therefore when explaining the arrangements proposed by the Committee to devise* some plan specially for this district.

Survey operations in Nasrápur specially considered.

* *See* paragraph 43.

25. This brings the Committee to the consideration of the third point on which they are called upon specially to report, *viz.*, "what further action, what rules, and what legislation (if any) are needed to protect the rights of Government, and prevent undue waste of the resources for fuel which the district now contains."

Further action, rules, &c., recommended.

26. The Committee hold that the first and most important step is to mark off the Government forest reserves, and the manner in which they propose carrying out this measure will be explained in the sequel.†

Government Forest Reserves.

†*See* paragraph 40.

27. It will be seen that the question of *ráb* supply has been already disposed of, and the people's rights clearly defined by the Survey.

Ráb supply.

28. The Committee would therefore now consider the arrangements which will be required in connection with the continuance of the privileges conceded to the agricultural classes, as already enumerated.

Privileges to agricultural classes.

29. The complaints which have given rise to the present inquiry have originated almost entirely in the sudden withdrawal of this privilege. The petitions from Máhim, Bassein, and indeed from all the districts, which have been laid before the Committee dwell most particularly on the great hardship to which the people are subjected by the issue of the orders under which they are prohibited free access to the jungles for the purpose of cutting firewood.

30. The Committee fully admit the necessity of providing some means by which the agricultural classes may obtain a supply of fuel sufficient for their ordinary consumption. The privilege as hitherto enjoyed is one of the causes to which the Committee would attribute the rapid decrease in the firewood resources of this collectorate. Whilst therefore they are prepared to continue the enjoyment of the privilege, they feel that the wants of the community in general, and the greatly increasing demand for firewood in the Bombay market (which is chiefly supplied from the forests of this collectorate), require a more careful system of conserving our fuel resources than has hitherto obtained.

31. The Committee have considered attentively the various plans which have been suggested as means by which the agricultural classes could be provided with the necessary supply of fuel without having free access to the forests. The plan of allowing a certain quantity of wood per head for the use of each family would seem to recommend itself as a fair and economical way of providing the necessary supply; but the Committee see many difficulties attending such a system of management. A large native establishment would be required to supervise the issue of the allotted supply of wood. Putting aside the cost of this establishment, they feel persuaded that it would be unadvisable in the extreme to entrust to native officials the duty of supervising the issue of firewood on such an extensive scale as this plan would entail. The Committee cannot therefore recommend the adoption of this proposal.

Suggested schemes for supply considered.

32. The plan of setting apart tracts specially for the use of the villagers has also been recommended. There is in this plan the risk of the supply thus provided not being economically used, and as a consequence that in a few years a clamour would be raised for access to the reserved tracts.

33. The Committee would prefer to grant the rayats free access to such forest lands as may not be included in the specially-reserved forest tracts. As a general rule such land will be more than sufficient to provide for all the domestic wants of the village. In those forest villages in which such land would not be sufficient, a liberal extent should be marked off from the forest reserves. To this free access should be permitted with only the following restrictions:—

Plan proposed by the Committee.

1. Teak.
2. Blackwood.
3. *Tivas.*
4. *Khair.*
5. *Ain.*
6. *Asána.*
7. *Nána.*

1*st*.—That they are not to cut down the reserved kinds of timber (marginally noted) for firewood.

2*nd*.—That they are to confine their cuttings of firewood and building timber to what is required for private use.

34. At the time of making this arrangement the villagers should, as suggested by the Revenue Commissioner,* be fully and distinctly warned that in the event of wasteful expenditure of the allotted sources, they will have to purchase their future supplies in the market. The Committee consider that the warning should not be a simple injunction, but should come to them with all the authority of a special notification of Government on the subject. They would further guard against the improper disposal of the supply thus reserved by making the sale of fuel or timber obtained from these tracts a penal offence.

*Revenue Commissioner's letter No. 4031, dated 26th October 1863, paragraph 7.

See Section XV. of the draft Act.

35. The arrangements recommended in the preceding paragraphs as the means of providing the agricultural classes with their future supply of firewood for domestic purposes are applicable to villages having a tract of jungle land. There are, however, numerous villages, particularly on the coast in the northern districts, which have no fuel resources. The inhabitants in these cases have hitherto had the privilege of cutting their firewood in the distant Government forests, subject to the payment of the customary fee to the Forest

Special arrangements for coast villages.

Department. While the Committee consider it would be unadvisable to permit the inhabitants of this class of villages to have access to the Government reserved forests according to their former custom, they at the same time admit their claim to the privilege of being supplied on the terms hitherto enjoyed, but are of opinion that it will be more economical, as regards our future resources of firewood, for the Forest Department to cut the necessary supply of wood for this class of villages. Where departmental cuttings take place, the Committee would recommend that a portion thereof, sufficient for the wants of the class of villages here alluded to, should be set apart for their use, subject to the payment of a sum sufficient to cover the cost of cutting and the Government fee or charge for firewood. There should be no auction sale of the wood intended for the villagers, but their supply should be made over to them at a fixed price in the manner above mentioned.

36. In towns where there is a municipal commission, the supply of wood needed for the town might be made over to the commission for distribution on the conditions above mentioned, provided that no additional charge be made except that for carriage.

37. It will be necessary for the Forest Department to guard against wood reserved for the use of the agricultural classes, under the special conditions here mentioned, being exported for sale. The privilege of obtaining it at the price named is to be confined to the wood required for domestic purposes; for if large supplies of it are obtained under the conditions mentioned and exported for sale, it is obvious that this would seriously affect the value of the wood reserved for public sale.

38. Where there is no municipal committee, or where the commission decline to undertake the duty of bringing or supervising the sale of firewood, private individuals residing in such towns must make their own arrangements for providing themselves with their requisite supply from the depôts assigned for their use. This plan has already been adopted by the Collector as a temporary means of relieving the present pressure for firewood in the Bassein *táluka*.

Woods for Agricultural purposes.

* *See* clause 2nd of paragraph 33.

39. It is the intention of the Committee that the supply of wood suited for the purposes marginally indicated, which may be obtainable from the tracts set apart for the village community for firewood, should be at the disposal of the villagers,* and as this supply will be sufficient for the wants of the real cultivating classes, they apprehend no inconvenience from the withdrawal of the free-grant system.

Government Forest Reserves.

40. To carry out this plan it will be necessary to examine the present allotments of forest land made by the Survey in the several settled districts of the collectorate, with the view of ascertaining whether they include the public grazing-lands. This will entail an examination of the forest allotments of every village. Where no such allotment exists, it may be concluded that the whole of the land of the village is needed for the use of the inhabitants, and that no further action of the Survey Department is called for in such cases.

41. It will be desirable at the time of examining the present forest allotments for the object above mentioned to endeavour to make them more compact than they now are by connecting the forests of adjoining villages, so as to have large tracts in place of detached pieces for each village. In carrying out this plan it may be advisable in some cases to include portions of land now enjoyed as *ráb*, so as to have a good natural or well-defined boundary to the forest. In cases where this plan is resorted to, the Committee recommend that the party dispossessed be compensated for the loss of his land. They would, however, guard against the practice of taking *ráb* lands being extensively carried out, for it is only in exceptional cases that they would recommend its being resorted to.

42. The Committee are of opinion that the Assistant Collectors of the respective districts are the officers to whom the duty of marking off the forest allotments in the manner explained may be safely entrusted. Major Francis states that he will be prepared to place three or four qualified surveyors at the disposal of the Collector. The work of marking off the allotments might therefore be commenced as soon as the season permits of officers visiting the jungle districts of their charge.

Plan specially devised for Nasrápur.

43. For Nasrápur *táluka* it would also be advisable to adopt the plan of marking off forest reserves distinct and separate altogether from the other lands of the village. It must be borne in mind that in the survey of this district, as already explained, the boundaries of the *ráb* and of the hill cultivation and grazing lands of the village were not separately defined. But as all these several descriptions of land have been given over for the use of the villagers at a certain fixed annual sum included in their rice assessment, there is no occasion to disturb this arrangement, and the lands referred to can remain in one tract as orginally surveyed. The Government forest lands, however, which were not made over to the cultivators under the settlement should be marked off by well-defined boundaries.

44. From the information which Major Francis has given the Committee upon the subject of the settlement of this district, they are of opinion that some little difficulty in defining the forest tracts may be expected. They think therefore that the work of revising

forest boundaries should be first proceeded with in those districts where the forest lands have already been divided off by the Survey. If any difficulty should eventually be experienced by the Assistant Collector in that *táluka*, they think the Survey Department should be required to make the necessary definement.

Cause of decrease of Fuel. Fee system.

45. The Committee are of opinion that the great waste of our fuel resources which has taken place during the last few years, more particularly since the opening of the railway, is attributable chiefly to the plan of permitting wood-dealers to cut wood indiscriminately without any restriction as to the quantity or size to be taken from any particular forest. Under such a license it was of course the object of the wood-dealer to obtain his supplies in places most easily accessible to carts.' He would also cut as much as possible in small tracts, so as to avoid the greater expense of carriage which a scattered cutting would occasion. The effect of this system is seen in the denudation of our firewood jungles within easy distance of the railway stations.

Departmental cutting.

46. The appointment of an Assistant Conservator in each collectorate, and the new arrangements introduced at the recent reorganisation of the Forest Department, has enabled the Conservator to introduce a system of departmental cutting of firewood, which the Committee regard as a measure well calculated to check that undue waste of our fuel resources which was incidental to the former system.

47. The new system is not yet fully in working order. There has been some difficulty in getting men to take the contracts for cutting, and the contractors who have taken them have not been able to get sufficient men to carry on their cuttings so rapidly as is desirable. This is doubtless the result of a combination amongst the wood-dealers, who, finding that their profits would be materially lessened by the cutting being taken out of their hands have in some cases withdrawn the usual gangs of wood-cutters from the market. Opposition of this kind was to be expected, but the Committee consider that the difficulties attending the organisation of this new system will be of a temporary nature—confined probably only to the first season.

48. The Committee are of opinion that the departmental cutting of all wood will be of great advantage in many ways. Under proper supervision the cuttings will be restricted to trees of certain dimensions, whilst a future supply will be secured by preventing the destruction of saplings and young-growing trees. No such protective measures could be enforced under the fee system. But the plan is recommended not for these advantages only, but as an effective means of breaking the present monopoly of the Bombay wood-dealers.

Present high prices of firewood.

49. There is no valid reason in the opinion of the Committee for the present high price of firewood in Bombay. The demand has not been augmented suddenly, nor has the cost to the dealer been increased. Hitherto the Government charge on firewood has not exceeded three annas per candy, and it is notorious that large quantities of wood have been clandestinely obtained even without the payment of that fee. The cost of cutting and carriage to many of the railway stations and bunders has not exceeded two rupees, and if we add another rupee for carriage to Bombay, it will be seen that wood-dealers have been obtaining their supplies at less than four rupees a candy, and yet they are now retailing wood at the enormous rate of fifteen or sixteen rupees per candy, being a profit of about 400 per cent.

Petition of the Bombay Association.

50. It would appear from the petition of the Bombay Association that the public are under the impression that the present high price of firewood is the result of the Government system of providing it. It will be seen, however, from the foregoing remarks that the fee hitherto levied by Government, and the cost of wood to the dealer, including carriage, bear no proportion to the present high price of fuel. The Association was probably not aware of this when recommending a continuance of the fee system ; but the circumstances here mentioned are conclusive in the opinion of the Committee that it is neither for the interest of the public nor of Government to continue a system which places a monopoly of the wood trade in the hands of a grasping and unscrupulous set of traders.

Effect of Departmental cutting on the trade monopoly.

51. Under the departmental system which is being introduced a small fee per candy will be added to the cost of cutting and carriage, and the wood will be put up to sale, subject to a reserve bidding sufficient to cover the cost to Government calculated on this plan. The wood when practicable will be taken to a railway station, bunder, or public road, and there put up to public sale. Due notice of these sales will be published, so that the public may have an opportunity of purchasing their own supplies direct from the Government depôts. The market will in this way be thrown open to the public, and any further interference with the wood trade on the part of the State would, in the opinion of the Committee, be unadvisable.

52. Before taking leave of the question of firewood, the Committee would refer to a needy class of the population (the Katkaris) who have hitherto earned their livelihood for part of each year by cutting firewood in the jungles and carrying it to the large towns for sale. It has been the custom of the Forest Department hitherto to allow this practice, charging a small fee on each head-load. It is with reluctance that the Committee would

deprive these people of this source of livelihood; but they believe that it would be impossible to carry out a system of proper conservation if the practice of giving these people free access to the Government forests is continued. The deprivation will not be felt so much now as it would have been formerly, for the sources of labour have of late years greatly multiplied, and less difficulty will be experienced in their obtaining other employment.

53. It will be to the interests of the Forest Department to employ these people in cutting for Government, and the Committee learn with much satisfaction that many of them have already been hired for that work by the contractors employed in cutting fuel.

Legislation required.

54. The Committee would now proceed to the consideration of the question as to whether legislation is necessary to protect the rights of Government and prevent future waste of our existing fuel resources. They would first refer to the great importance of fuel resources in a country destitute of coal. In the continental countries of Europe, which for the most part are dependent on wood for their supply of fuel, the several governments have enacted *most stringent* regulations for the protection of forest, and the conservancy of their fuel resources. The Committee view the circumstances of this country in regard to such matters as urgently demanding the same protective measures on the part of the State. They would also urge that disputes regarding the rights of Government over forest lands are now of frequent occurrence, whilst the settlement of such questions is complicated by the want of some defined law upon the subject.

55. Legislation is called for, in the opinion of the Committee, not only for the important question of defining Government rights, but for the security and protection of forest property in general. They, moreover, consider it necessary that the officer entrusted with the custody of this valuable property should have his powers clearly defined, and his acts supported with the force of a legal enactment. The duties of the appointment of Conservator have hitherto been carried on under the authority of Government orders, and in times past these were religiously respected as the ordinances of the ruling authority; but the educated classes, and the public in general, will no longer admit the authority of Government orders unless supported by legal enactment. In all other departments of the State legislation has been found necessary, and it would be unadvisable to permit the administration of a property so valuable as our forests and fuel resources to continue any longer unprotected by legal measures.

56. The Committee have drawn out roughly in the annexed Draft of a Forest Act what they consider to be the chief points on which legislation is required. They would draw particular attention to the clauses relating to *inámdárs*, and the Regulations they have considered it necessary to enact for the cutting and removal of wood by private proprietors. The question is one of the greatest importance, and the early introduction of the rules recommended by the Committee is a matter of great moment.

57. It has hitherto been the practice for the Forest Department to require all *inámdárs* to take out permits for permission to cut and remove their wood. Lately, however, owing to a decision in the civil courts, *inámdárs* have refused to obey the old-standing order, which cannot now be enforced without legislation.

58. The Committee while sitting have had ample evidence produced to show that unless these rules are duly enforced by legal authority, it will be next to impossible without an army of peons and *nákedárs* to prevent the depredation and destruction of Government wood. Wood is now cut clandestinely in the Government forests, and carried away late in the day and at night to the bunders and railway stations. When any inquiry is made, the invariable answer is that it has come from the forests of some *inámdár*. The necessity of taking out permits will in no way interfere with the operations of the *inámdár* or other private proprietor; the permit will be simply a warning to the Forest Department that certain wood on private property is to be cut, and that department will take measures accordingly to watch the Government forests in the neighbourhood with more than usual care.

59. In conclusion the Committee would observe that if the suggestions they have ventured to submit should meet the approval of Government, it will, perhaps, be found expedient to cancel some of the circular orders regarding supplying wood to the agricultural classes, as they may be found to be at variance with the practice herein recommended for future adoption.

We have the honour to be,

Sir,

Your most obedient Servants,

J. T. FRANCIS, Major,

Supt., Rev. Sur. and Assessment, Thána and Ratnágiri.

E. P. ROBERTSON,

Acting Collector, Thána.

N. A. DALZELL,

Conservator of Forests.

DRAFT OF A FOREST ACT FOR THE BOMBAY PRESIDENCY.

(Referred to in Committee's Report of 1863, paragraph 56).

Preamble.

Whereas it is expedient to enact measures for the better demarcation and management of the Government Forests in this Presidency, and for the protection of the existing rights of the State in Forest Property: It is hereby enacted—

Appointment of Officers.

I. It shall be lawful for the Governor in Council to appoint an officer specially for the duty of superintending the management of the Forests of the Presidency, to be styled the Conservator of Forests, and to appoint such other officers under other denominations as may be required for forest duties.

Authority of Conservator.

II. The Conservator, subject to the orders of the Governor in Council, shall exercise a general control over all the Government forests.

Assistant Conservators.

III. The Assistant Conservators and other subordinate officers shall act under the orders of the Conservator of Forests in such districts or localities as may be entrusted to their charge.

Assistant Conservator subordinate to Collector, but subject to general control of Conservator.

IV. The Assistant Conservator or other forest officer shall, however, be subordinate to the Collector of the district in which he may be located in all matters relating to the general conservancy of the forests and the realisation of the revenue therefrom, subject, however, to the general control of the Conservator of Forests.

Demarcatian of Government Forest Reserves.

V. For the better demarcation and protection of Government forest lands, it shall be competent to the Governor in Council to direct such lands to be marked off and specially set apart for the growth of timber and firewood. All such tracts shall be called Government Forest Reserves.

Authority to take up land for Forests under Act VI. of 1857.

VI. It shall be competent to the Governor in Council, under the provisions of Act VI. of 1857, to include within the forest reserves any and all such land on whatsoever tenure held as may be necessary for the better demarcation and consolidation of the limits of the said reserves.

Demarcation of Forests by boundary-marks.

Penalty for destruction of.

VII. It shall be the duty of the Forest Department to define the boundaries of the Government reserves with boundary-marks of a permanent nature. Any person convicted of removing or otherwise injuring any boundary-mark so erected shall be liable to be prosecuted for "mischief" under the Penal Code.

Disposal of Fine imposed.

VIII. In the event of a fine being imposed under the preceding section, a moiety thereof shall be credited to the Forest Department for the repair of boundary-marks, and the remainder or a portion thereof may, at the discretion of the trying officer, be awarded to the informer.

Special orders for cutting in Government Reserves.

IX. No person shall be permitted to cut wood of any description growing within the limits of the reserves except under the orders of the Collector, or of the Conservator of Forests, or the officer acting under his orders.

Punishment for destruction of Forest.

X. Any person convicted before a Magistrate of unauthorisedly cutting trees or brushwood within the forest reserves, or of causing damage therein by fire, shall be liable to the punishment provided for "mischief" in the Penal Code.

Trespass in Reserves.

XI. Any unauthorised person found within the reserves with an axe, saw, or other wood-cutting implement shall be liable to a fine not exceeding Twenty Rupees.

Unauthorised removal of wood or Forest produce from Government Reserves.

XII. Any person convicted of removing without permission wood or forest produce of any description from the forest reserves shall be liable to the punishment provided for the "fraudulent removal or concealment of property" in the Penal Code.

Unauthorised cultivation or appropriation of Government Forest Reserves.

XIII. Any person who shall unauthorisedly cultivate or otherwise appropriate any portion of the land included in a forest reserve shall be liable to a fine not exceeding Fifty Rupees in addition to the forfeiture of the crops he may have raised on the said land.

Unauthorised manufacture of Charcoal.

XIV. No charcoal shall, without special permission of the Collector or Conservator of Forests, be manufactured within the limits of the reserves, and any person convicted of so doing shall be liable to a fine not exceeding One hundred Rupees.

Unauthorised sale or removal of Firewood or Timber from village allotments punishable.

XV. Any person who shall be convicted of selling, or removing with intent to sell, any timber trees or firewood cut in the lands specially set apart for the use of the village community shall be liable to a fine not exceeding Fifty Rupees, in addition to the confiscation of the wood.

Governor in Council competent to withdraw special privileges of Villages.

XVI. It shall be competent to the Governor in Council to withdraw the special privileges conceded to village communities in respect to the use of certain tracts for timber and firewood on the said community making an improper use of such privileges.

Connivance or abetment by Patel or Government Officer.

XVII. Any patel or Government officer who shall connive at, or knowingly fail to report any of the illegal acts enumerated in the preceding sections, shall be liable to the punishment for "aiding and abetting" in such offences as provided in the Penal Code.

Government Forest Department to use a Forest Brand.

XVIII. The Forest Department shall keep a stamp or brand for the purpose of marking timber. All trees of any description cut within the Government reserves, except such as are cut for firewood, shall before being sold be marked with the said brand or stamp.

Such Brand a property mark.

XIX. Such stamp or brand shall be considered a "property mark," as defined in the Indian Penal Code.

Teak and blackwood, Royalties.

XX. Teak and blackwood wherever growing shall be considered royalties, except in cases where they have been sold by Government or specially granted in any *kaul, sanad,* or other document; provided, however, that persons owning the said trees under such documents shall not be permitted to cut or remove the same without a permit obtained from the Forest Department. Any such trees removed without a permit shall be liable to confiscation.

Rules for cutting of timber and firewood by *Inàmdárs* and other private proprietors.

XXI. *Inámdárs* or other proprietors of lands enjoying forest rights shall not be allowed to cut for sale any timber trees or firewood without having first obtained a permit from the Forest Department. No wood so cut shall be removed except under such orders and regulations as the Conservator of Forests may from time to time prescribe, subject to the sanction of Government.

Nature of application to cut or remove private wood.

XXII. Applications for cutting or removing trees under the provisions of the preceding sections shall specify the description and number of trees to be cut or removed.

Private trees to be branded.

XXIII. All trees except such as may be cut for firewood cut under the provisions of a permit shall be marked with a Government brand or stamp before being removed.

Powers to levy fees.

XXIV. It shall be lawful for the Conservator of Forests to levy a fee or charge on timber and wood of all descriptions, and forest produce of all kinds obtained from the Government reserves; provided, however, that no such fee or charge shall be levied without the sanction of the Governor in Council.

Recovery of Fees, &c.

XXV. All sums due on account of fees, charges, or forfeitures leviable under this Act shall be recoverable as revenue demands under the rules and regulations in force for the time being in respect to such demands.

Appeals from the Acts of Assistant Conservator.

XXVI. All the acts and proceedings of an Assistant Conservator or other local forest officer shall be subject to appeal to the Collector, and there shall be further appeal to the Conservator of Forests.

Appeals from the acts of the Conservator.

XXVII. All the acts and proceedings of the Conservator shall be subject to appeal to the Governor in Council.

J. T. FRANCIS, Major,
Supt., Rev. Survey and Assesment, Thána and Ratnágiri,

E. P. ROBERTSON,
Acting Collector, Thána.

N. A. DALZELL,
Conservator of Forests.

Exhibit No. 2.

(Referred to at page 250.)

No. $\frac{B}{3}$ of 1875.

To

THE SECRETARY TO GOVERNMENT,

REVENUE DEPARTMENT.

Bombay, 22nd September 1875.

SIR,

We have now the honour to furnish the report required by Government Resolution No. 4057 of July 19th, 1875. That Resolution requires us to lay down very distinctly and carefully the principles by which the demarcating officer is to be guided and rules for the management of the Thána Forests after demarcation. We were further desired to make our principles and rules as little as possible vexatious to the people and to consider how far and on what terms the rights of Government to reserved timber on occupied lands should now be abandoned.

2. We think that the principles of forest demarcation and conservancy were correctly laid down by the Forest Committee of 1863 and that the present unsatisfactory state of affairs is owing to want of care in the original demarcation and to the absence of an establishment of sufficient strength to protect the Government forests, to regulate the consumption of timber in village forests, and power to prohibit waste and consequent exhaustion of the forests.

3. The Committee of 1863 divided the forests into, 1 Imperial, and 2 village, corresponding to what are now called first class and second class reserves. The first were to be strictly preserved by the Forest Department, while the second were to be left to the villagers who were permitted to make use of all but seven kinds of timber for domestic and agricultural purposes but were not to export it as an article of trade.

4. Government approved of the broad principle thus laid down and we cannot suggest any modification of it. All that appears necessary is to avoid and correct the errors that have been committed and prescribe rules for the guidance of the demarcating officer and for the future management of the forests thus demarcated.

5. The first step is to revise the demarcation that has already been carried out. Mr. Williams, the Forest Officer, to whom this duty was entrusted, selected the lower slopes of the hills containing the richest soil and the finest tree-growth for village reserves, leaving nothing but the bare hill tops for Imperial forests. It will be the duty of the demarcation officer in concert with the Collector to make a fresh selection and division of forests into first and second class.

6. We have read the letter of the Government of India, No. 739 of April 1st, 1875, in which minute instructions are given as to the enquiries to be made by the special officer. We consider that at least 6 years would be required to complete the demarcation and record of forest rights of the Thána *zilla*, as prescribed by the Government of India. It will be necessary therefore to apply to the Government of India either to modify their orders or to sanction the entertainment of the special officer for a further period of four years. The services of the special officer are at present sanctioned for two years. The instructions we now propose to give him will, we think, enable him to finish the work within that period, and if the more minute investigations required by the Government of India are insisted on they will be greatly facilitated by the preliminary inquiry he will now make.

7. In order to economize the time of the special officer he should be provided beforehand with a map showing the present state of the forests, with the remarks of the forest officer suggesting any change that *in his opinion* is desirable. For this purpose two intelligent draftsmen should be at once deputed to the Mámlatdár's *kacheri* of the *táluka* to be first taken in hand. They should take the village map and instructed by the *talátí* should colour it as follows:—

Imperial reserves	Red.
Village reserves	Green.
Village grazing land	Pink.
Occupied lands	White.
Unoccupied lands	Brown.

The latter should include both assessed arable land and unarable waste. A note should also be made if there are forests belonging to *jághírdárs* in the village. They might be coloured yellow and a note should be made if they are entirely or partially alienated.

8. This map will enable the special officer to see at a glance what is to be done. *With the Collector* he should ride over the lands of the village or group of villages from which the reserve is to be made and settle whether the existing demarcation is to stand or

be modified, and if so, in what respect. Having decided what lands are to be forests of the first and second class and plotted the same upon the map by the aid of a survey plotter, who will be placed at his disposal, he may leave all further operations to the Revenue and Survey Departments, to which they properly belong.

9. Demarcation proper, *i.e.*, the selection of first and second class reserves, having been done *by the Collector and Survey Officer in concert*, there will remain three important operations—

A. The erection of boundary marks of the reserves.

B. The correction of survey maps and records (*vide* Mr. Sinclair's letter of February 24th, 1875).

C. Compensation to the occupants of lands taken for forests.

A. The boundary marks should be set up by an Assistant of the Forest Department, who should closely follow the special officer with a sufficient staff. In the Konkan, where stone is plentiful, it will be sufficient for the present to erect cairns of loose stones about three times larger than the survey marks. Masonry pillars may subsequently be substituted for these, if the Forest Department think it necessary when Government has finally approved of the demarcation. As the forest will have been plotted in the map there can be no mistake if ordinary care is used.

B. Correction of survey maps. This is the work of the Survey Department, to which it should be entrusted. A small establishment of measurers and classers under a competent assistant, if one can be spared, should follow the special officer and keep pace with his operations in the field, leaving the survey and village records to be corrected in the monsoon.

C. Compensation should be settled by the Assistant Collector. The special officer shall, as soon as possible, furnish the Assistant Collector with a statement showing the area of the occupied fields that are to be taken up with all necessary details as to occupants' names, &c., and the assistant having been specially appointed under Section 3 of the Land Acquisition Act shall at once issue the notification required by Section 4 of the Act.

10. We abstain from giving the special officer minute instructions as to the way he is to carry out his duties. An intelligent officer does not require to be told that forests should be compact and should contain as little occupied land as possible. Nor is it necessary to remind him that the Land Acquisition Act need not be worked to secure lands which in the ordinary course of agriculture are thrown up every three or four years.

11. We now come to the more difficult part of our task,—the principles on which the forests are to be managed after demarcation. Forests of the first class are to be placed entirely under the control of the Forest Department, forest rights of grazing and *rán* and firewood are not to be admitted and if enforced in the courts are to be bought up. The great difficulty is in dealing with the wild tribes who inhabit the forests. It is absolutely necessary to tolerate them, but the mischief they commit may be reduced to a minimum by restricting their *kumri* cultivation to the worthless trees; and their services may be utilized by employing them as foresters, their lands being given to them rent-free in consideration of their abstaining from injuring the reserved trees and protecting the jungle from depredations and mischiefs of all kinds. They should be taught to look upon the Forest Department not as their natural enemies as at present but as their protectors and as a means of obtaining a livelihood as wood cutters and foresters. We feel sure that sufficient pains have not been taken to conciliate and employ the wild tribes.

12. We think that each forest officer might be allowed a small permanent advance of say Rs. 20, out of which he should give rewards to the wild tribes for information of depredation in the forests. The forest establishments are admitted on all hands to be insufficient to protect the enormous tracts under their charge, but by the grant of a few patches of worthless land rent-free and the grant of occasional rewards to informers we shall secure the services of an auxiliary force of foresters who will greatly assist the ordinary Department. We do not intend that the *whole* of the wild tribes shall be granted rent-free lands for the future, but that the Conservator may grant rent-free lands to *those who have already got a footing* in the first class forests at the rate of one family per every two acres of forest. There need be no restriction on the amount of land he may grant, for the Bhils are so indolent that they will not cultivate more than sufficient to keep them for a year, and no object would be gained by offering them less than that; if it is not given to them they will take it.

13. If there are no Bhils with a present right of occupancy in the forests that can be employed by the Forest Department as above described, they may be assessed by a plough tax at a rate to be fixed by the Collector. We have considered the possibility of letting the Bhils pay their rent in kind, but we do not think it would be practicable. Where there are only a few families it might be possible, but there are no stores in which to keep large quantities of grain; it would be liable to damage by vermin and weather, would be very much pilfered and open to many abuses it is unnecessary to particularize. However advantageous it would be to the Bhils to pay their rent in kind we are not aware of any advantage it would be to the Forest Department to receive rent in this way, and even if sanctioned the benefit would be confined to a comparatively few families. We therefore cannot recommend it.

14. We do not wish to be understood to advocate a first and second class reserves in *every* village. In many villages there will be no jungle suitable for a first class forest, or not sufficient to make it worth while to separate it. In these we must be content to preserve the reserved trees of seven kinds and to protect the second class forest from exhaustion by insisting on a system of rotation in working it for *ráb* and firewood.

15. We now come to forests of the second class from which we must satisfy the existing forest rights of the villages whose lands are included in the reserve.

The rights in second class forests are as follows:—

1. Right of *ráb, i.e.*, the right of cutting branch wood, branches of trees and grass to burn as manure for rice fields.

2. The right to firewood for domestic purposes but not for sale.

3. The right to suitable timber for agricultural implements, house-building and repairs and to cut the inferior sorts of timber for cattle-sheds, straw-stacks, &c.

4. The right of grazing cattle free.

We have considered the possibility of throwing open the second class forests to the inhabitants of other villages than those whose lands are included in the forest, but we do not think it can be done.

Where they have hitherto enjoyed the right to graze their cattle in the second class reserves we do not propose to restrict that right, and it will be the duty of the Forest Department to supply them with timber suited to agricultural implements and house-building; but if they are permitted to cut indiscriminately for *ráb* and firewood they will exhaust the jungle so rapidly that there will be none left for even the reserved villages. We do not think the public can justly complain of this restriction. In past years their villages were also covered with jungle but they have exhausted it and they cannot now claim the jungle of other villages.

16. We will make a few suggestions with regard to each of them.

17. The rights to *ráb* and firewood are so similar that they may be disposed of together.

We are aware that in some if not all the *tálukás* of Thána a certain area of *varkas* land was allotted by the Survey to each owner of rice lands for the express purpose of supplying *ráb*. The people have treated these lands so improvidently that they are reported to be exhausted, the trees have all been cut and sold to the Bombay wood merchants and nothing more remains but the grass. We do not recommend that any further concession of *ráb* lands should be made to these people. They are in no worse position than the people of the coast villages who have long since exhausted their supply of tree, *ráb* and fuel. If a fresh grant of *varkas* were now made it would be exhausted like the last in a few years and Government would be again called on to make a further grant. Each concession of *ráb varkas* only postpones for a few years the inevitable period when there will be nothing left to give. By interfering at once and insisting on the second class reserves (which will in future be the source of *ráb* and fuel supply) being worked in rotation we ensure a permanent if not an abundant supply, and this is all that is possible where the wasteful improvidence of the people has left so little to preserve.

18. In saying that no further concession of *ráb* should be made to the people we do not intend to exclude them from second class forests. They will still have the right to enter them and cut for all purposes except for trade any kind of timber that is not in the reserved list of seven, without any restriction as to quantity; but this right will only be enjoyed by the inhabitants of villages in which reserves have been formed. There will of course be much waste and improvidence, but we do not see how that is to be avoided. We are dealing with a right which the people have acquired by long usage and we must look to the system of working the forests in rotation as the only means of reducing the evil to a minimum. We think the Conservator should have the power to close one-third of each second class forest when he considers it necessary; and while closed, it will be treated nearly as a first class reserve, but grazing and grass-cutters for fodder or *ráb* should be permitted even when the jungle is closed.

19. We have considered the elaborate rules drawn up by the Conservator for the supply of *ráb*, firewood, and domestic wood. He wishes to dole out by weight to each inhabitant a 'fixed and limited' annual supply of *ráb*, firewood, &c. We have no hesitation in saying that his scheme is utterly unworkable. It would require an army of inspectors, woodcutters and foresters to carry out, and would then be open to the gravest abuses. The forest establishment is admitted to be insufficient for their ordinary duties and the Conservator now proposes to undertake the issue of firewood, *ráb* and timber for agricultural and domestic purposes to many hundred thousand families scattered throughout the Thána District. We are convinced that the task would be impossible and that the only practicable system is to divide each second class forest into three blocks, one of which should be closed and two open in rotation, and to permit all but the seven reserved kinds of timber to be lopped without restriction, except that leading shoots of trees are not to be cut but only their side branches. This, it is true, destroys them for timber purposes; but it will be remembered that all the most valuable timber will be included in the reserved list. It is to be understood that forest rights are to be conceded only to those villages which form part of the

reserve, but that the reserve itself is to be treated as a whole. *Ráb*, firewood, and grazing rights are to be enjoyed in common by those villages without reference to village boundaries, but only to those of the blocks which happen to be in working at the time.

20. The right to cut firewood of the inferior kinds of timber includes the right to the same timber for cattle-sheds, &c., but for agricultural implements, for house-building and repairs inferior timber is of no use. The people must have good *bábhul* or *ain* timber for their implements, and if they cannot get it by fair means they will steal it. It is out of the question to expect a man who has broken the handle of his plough to march off 30 miles to the nearest *mámlatdár* and remain there till a reference has been made to the Assistant Collector or Conservator and permission obtained to cut a tree to supply his wants; yet this is what the Conservator proposes. We think that the Conservator must have a depôt of timber suited for agricultural implements and also a few rafters and upright beams suited to native houses in each village, or group of villages. He must entrust the disposal of the timber to the *pátil* and *taláti*, holding them responsible that it is not wasted or improperly bestowed. We are aware that this will give the Conservator a great deal of trouble, but it will be trifling compared to the task of distributing fuel to a whole population, and we do not see any other means of conceding this right without permitting each rayat to cut for himself, which is out of the question.

21. The peculiarity of this right is that it must be met at once without even a day's delay. At certain seasons of the year the success or failure of the crop depends on its being planted immediately after a heavy fall of rain. If the rayat loses this opportunity another may not occur, and his crop is lost. If the permission of the Forest Officer has to be obtained in each case, before a cultivator can repair his plough, it will entail the greatest hardship. The existing orders on this subject which require applications to be made to the Collector and a reference to the Forest Officer have always been ignored. In Khándesh, after the floods of 1873, when there was a great demand for timber, the people preferred to steal it or purchase it rather than put up with the delay of obtaining it gratis through the Forest Department.

22. We think that Government should clearly understand that the present rules for the supply of timber for agricultural and building purposes are unworkable and that the Conservator should be called on to meet the demand promptly, say within three days from application, or else entrust the timber to the *pátil* and *taláti* for distribution from convenient depôts.

The right of grazing in second class reserves shall be enjoyed by the cattle of all villages which form part of the reserve. We consider that a fence to the whole reserve is unnecessary, though of course plantations or nurseries of trees may be fenced. If reserves are to be fenced the expense will be so great that the forest operations must always be on a very petty scale. We therefore object to a fence, because it will be very expensive to build and impossible to protect from jungle fires and mischief by villagers, and because it will be useless when built, for any villager who intends to steal wood or graze his cattle in the forests will not hesitate to break down the fence.

23. Our remarks are chiefly directed against the Conservator's proposal to require the villagers to keep the fence in repair. We of course have no objection to the Conservator employing his foresters in planting a live hedge round the forests.

24. We have considered the suggestion that Government should forego its claim to *all* timber on occupied lands and are strongly opposed to it. We consider that this concession of the Survey Act has had a most mischievous effect: it has created a title to the trees separate from the ownership of soil which has given rise to the greatest confusion and loss to Government, a rayat has only to plant his land thickly with mango trees and then get them sold by a fictitious sale under an order of the Court. He buys them in for a few annas, as no one will bid against him, the owner of the land, on which the trees are grown; and the next step is to throw up the land. It is so thickly planted with trees that no one will take it; and the result is that he enjoys the land rent-free for ever or so long as the trees grow.

25. But this is not all; the land is assessed in Konkan at 2 or 4 annas per acre, while the trees on it are worth perhaps Rs. 50 per acre, for *ráb* or firewood or grazing. The rayats are therefore encouraged to take up fields for the timber only and having cut that down to throw up the land or retain it as a base of operations from which to plunder Government forests.

26. We trust that Government will not sanction a measure so uncalled for and calculated to have such an injurious effect on the forests and arboriculture generally.

27. We have considered the Conservator's proposals that all villages included in the forest reserves and that all waste lands should be placed under the management of his department. We think that demarcation should be so carried out as to exclude agricultural villages, and where this is absolutely impossible without relinquishing valuable forest land, that the villages and waste lands should remain as at present in charge of the Revenue Department.

28. We think that the Forest Department should concentrate all its energies in planting and preserving the timber in the forests of both classes and reserved timber in occupied

lands. They should abstain from interfering with waste lands, *kurans* or other extraneous sources of revenue.

29. In conclusion we beg to represent that however easy it may be to draw up rules and lay down principles for the management of a Department they are of little value so long as they remain on paper only. Rules cannot be enforced without a sufficient establishment, and for many years it has been well known that the forest establishment has been insufficient and unequal to the duties required of them.

30. The European officers are conspicuous for their zeal and intelligence and the native establishment are so good as the pay can procure, but the fact remains that in spite of their exertions the Government forests are habitually and systematically plundered of valuable timber not merely by the petty depredations of villagers, but by large bodies of men who enter the forests with perhaps 100 carts which they load with the finest timber and carry to the nearest Railway station. There may be a forester on the spot, but it is as much as his life is worth to interfere.

31. The subject has been repeatedly brought to the notice of Government and we believe reported to the Government of India but nothing has been done, and we think that the Government of India should be informed that it is hopeless to expect the forests to be economically and efficiently worked till the Department is placed on a proper footing both as regards strength and pay.

We have the honour to be,
Sir,
Your most obedient Servants,
L. R. ASHBURNER.
W. G. PEDDER.

Exhibit No. 3.

(Referred at page 250.)

FROM

CAPTAIN LLOYD,
Assistant Superintendent, Revenue Survey;

To

MAJOR WADDINGTON,
Superintendent, Revenue Survey and Assessment,
Thána and Ratnágiri.

Camp Poona, 20th August 1866.

SIR,

I have the honour to report the demarcation of forests during the past season in the *tálukás* of Bhivandi, Murbád, Nasrápur, Kolvan, and Sálsette of the Thána Collectorate.

2. The number of villages in each *táluka* possessing forests and the total area of the tracts allotted to meet local requirements will be found in the statement which accompanies this report. For the present I confine my remarks to the subject of Imperial reserves.

Bhivandi.

3. The forest demarcation of the Bhivandi *táluka* was commenced last year by Captain Hobson and at the close of the season 6 villages were reported to remain for future demarcation. Sixteen villages however have been marked off this year containing Imperial reserve 4,818 acres.

Murbád.

4. Forest demarcation has been carried out in the Murbád *táluka* and extends to 32 villages containing Imperial reserve 17,597 acres.

A tract of forest to the west of this *táluka* and extending into the *táluka* of Kalyán has been left open for the present. Taken by itself there is not sufficient forest on the Murbád side of the boundary after arranging for local demands to admit of a reserve being marked off, but when the Kalyán portion has been inspected it is probable that the two together will furnish sufficient for an Imperial number.

Nasrápur.

5. The demarcation of the Nasrápur *táluka* has been completed and extends to 50 villages containing Imperial reserve 21,331 acres.

There is one village (Khándas) the *khot* of which denied the right of Government to reserve forest. Pending a reference on the subject, the boundary of the forest in this village was

defined by temporary marks. The question was afterwards decided against the *khot*, but the necessary instructions were not received by me until after the close of the season; the erection of the permanent marks and fixing the sites by theodolite is therefore deferred until next season, and in the meantime the area of the tract is excluded from the return of work.

6. In carrying out the work of demarcation I have as a rule refrained from resuming cultivated lands, but in this *táluka* (Nasrápur), particularly in the villages surrounding Mátherán, I have been compelled to resort to this practice. A numerous body of Thákurs have settled on the slopes of this range. They have established hamlets in each of the adjoining villages and subsist almost entirely by raising crops of inferior grain, for the cultivation of which they have made extensive clearances of forests and are yearly pushing up the slopes of Mátherán, which at their present rate of progress would soon be denuded of trees. Very large tracts of forest had been burnt down and were being burnt at the time of my visit this year. In some of the villages as Botevli, Páli, &c., the hill slopes have been completely cleared. It is of little use to include such places into a reserved forest and as the different communities whose operations I have interfered with in the adjoining villages will require some place for carrying on cultivation, I have left these villages open to meet the necessity, and I should suggest that all Thákurs who may have lost their land should be directed to settle in them. There is no great hardship in this, as these Thákurs are a restless, wandering tribe, with no particular rights or associations connected with the land they cultivate. In the village of Sondevádi which claims the valley to the east of the spur, known, I believe, as *Chauk Point*, there was originally a very fine forest, the present condition of which is lamentable. A body of Thákurs have settled in this valley and are doing an infinity of mischief. As the authority to remove an entire hamlet has not been conferred on me I have not interfered with these people but have marked off the forest all round and thus included them in the Imperial reserve. It will be highly unadvisable however to allow them to remain there as no amount of supervision will prevent their destroying the surrounding forest and enlarging their circle of cultivation. As the place is so close to Mátherán it might perhaps receive the benefit of personal inspection from higher authority.

Kolvan.

7. The demarcation of the Kolvan *táluka* has been carried out to the number of 23 villages containing Imperial reserve 41,909 acres.

A large proportion of the forests of this *táluka* remain to be demarcated next season.

Sálsette.

8. One village of the Sálsette *táluka* left over from last season has been demarcated this year and contains Imperial reserve 2,287 acres.

Total area demarcated.

9. The total return of work for the seasons shows that 87,942 acres of forest contained in 122 villages have been marked off as Imperial reserve. This amount does not equal the area which ought under more favourable circumstances to have been marked off, but many difficulties were experienced. The *kárkuns* appointed to the work were, when I first took charge of the establishment, scattered over the Deccan Districts and some delay occurred in getting them down to my camp. For the first fortnight I carried on the work with only one *kárkun*. Again in the month of April one *kárkun* was sent to the Assistant Conservator of Forests, another was sent to complete work in the Násik Districts, and a third took advantage of his services being urgently required to be laid up with guinea-worm, thus reducing my available establishment to two *kárkuns*. In addition to this the peculiar circumstances of the Nasrápur *táluka* added greatly to the amount of work with a diminished result in the way of area.

* * * * * * * *

Management of village allotments.

13. In Superintendent's letter of instructions, No. 84 of 1865, suggestions are requested for the future management of village allotments, and I believe Captain Hobson in his report proposed that they should be marked off into four lots—one lot to be cut yearly. The only objection to such a course would be the amount of supervision required to carry it out. The Forest Department as at present constituted is only able to exercise a partial supervision over the forests, and I imagine that the work of demarcation is being carried out mainly with a view to allow of their concentrating their attention on the reserved tracts. To entertain an establishment expressly for the purpose of managing village allotments would be out of the question, and to throw the work on the shoulders of the local officials, in addition to their present duties would be the same as not having it done at all. There seems to be an impression that when village allotments are made over to the people a general rush will be made and the trees standing in them cleared away. My experience does not support this conclusion. It is true that when the allotments have been marked off greatly in excess of the village requirements something of the kind may be expected, and the probability will be greatly increased if the village happens to be near a line of railway or large town; but there are certain requirements as *rab* and fuel which are essentially necessary to the people, and they are fully alive to the wisdom of preserving the forest from which they obtain their supplies. I feel persuaded that when allotments have been fairly apportioned and the villagers have realized the fact, that they will be unable as

heretofore to fall back on the Government reserves—the allotments will be far more strictly conserved than the Imperial tracts situated in the same villages—apart from villages situated where the demand for wood and the opportunities and temptations to sell are great; the only instances where the cutting of wood for other than local purposes may be anticipated is when several villages have the right of drawing their supplies from one particular jungle and the allotment has consequently been marked off with a view to meet the whole demand. The inhabitants of the village in which it is situated, knowing that the supply exceeds their own wants and having no interest in preserving a supply for their neighbours may probably attempt to benefit by the sale of wood to outsiders; but even in such cases a little vigilance on the part of *talátis* and *pátils* would suffice to check irregularities. Village allotments do not extend into the unfrequented recesses of a forest. They are always situated within easy access of the village and no timber can be abstracted without the knowledge of the village authorities. On the whole I consider some plan should be adopted for watching villages situated near railways or within the influence of outside demand, but in other cases I think the care of the village allotments may be left to the sense entertained by the people of their own interests supplemented by a charge of supervision conferred on the *pátil*. This latter point might be made more effective by allowing a percentage of fines on conviction. A notice to the effect that these allotments are for the supply of local requirements and that any attempt to dispose of the wood to other parties will be promptly punished, should be circulated to each village.

14. The above remarks do not apply to the *táluka* of Nasrápur, which differs in its features from all other *tálukás*. The Government forest reserves have now been demarcated but the boundaries of the *ráb* and *hill cultivation* and *grazing lands* have never been separately defined (*vide* paragraph 43 of the Forest Committee Report), and as these lands were given over to the people at certain fixed rates included in their rice assessment, it follows that they are the owners of all trees situated therein (excepting Government royalties), and may employ the land to the best advantage, even to clearing and cultivating it, without Government being able to interfere. As these lands have been taken into consideration by me in fixing a supply of forest for village requirements, it will be necessary both to define their boundaries and revise their tenures before any hope can be entertained of maintaining the forests situated in them. The power to cultivate is the dangerous element, for as the price of grain increases, a demand for land will spring up and all other requirements will be made to give way to it.

15. In the Superintendent's letter above referred to a list of the trees growing in Imperial reserves is stated to be a desideratum. I should have been happy to respond to the invitation here held out, but it occurs to me that the information I could supply, gained as it has been in a mere morning's walk through each forest, with many other questions claiming my attention, would be very meagre and incomplete compared to the information which must be already in the possession of the trained officers of the Forest Department who have had charge of these forests for years and are doubtless personally acquainted with almost every tree.

16. My report, in as far as it relates to the work delegated to me, should here close, but various questions have attracted my attention during the progress of demarcation, and as they have a general bearing on the welfare of the forests and no one is likely to enjoy better opportunities of becoming acquainted with such matters, I beg that I may be excused for bringing them to your notice.

Ráb.

17. In order that you may have before you a general view of this question I will briefly remind you that the cutting of *ráb* was decided by Government to be a taxable privilege and that *ráb* numbers were, therefore, marked off and handed over to the people. Within the last few years the price of grain has greatly increased and has led to a general demand for land, but the amount of unoccupied land in the district (excepting forest) is limited and the attention of the people has turned to their *ráb* numbers which, if cleared, would supply what was required. As an additional impulse to this end the price of the wood also increased and Government at the same time decided that the ownership of trees standing in a number should be vested in the occupant, teak and blackwood being alone excepted. These causes, *viz.*, the demand for land for cultivation, the value of wood in the market, added to the ownership of the trees being in the hands of the rayats, have combined to bring about the wholesale clearance of *ráb* numbers, which is now being actively carried out all over the districts; even the restriction in favour of Government royalties is no hindrance, as the fee demanded by the authorities is so small compared to the value of the tree in the market, that the existence of a teak tree in a number is looked upon by the occupant as a special interposition of providence in his favour. I believe if enquiry was made it would be found that a large portion of the time of the *mámlatdárs* was taken up in going from village to village for the purpose of valuing teak trees standing in occupied numbers or that the work has been delegated to *talátis*, in which case it will probably not bear much looking into. The result of all this clearance is that the area of cultivation and consequent consumption of *ráb* is greatly increased, whereas the supply no longer exists; a flood of petitions is now pouring in upon the authorities applying for fresh numbers, whilst meanwhile the Government forests are plundered. The facts here mentioned must be read in connection with the views expressed in paragraph 13,

otherwise the two will present a discrepancy. For instance, in paragraph 13 I have mentioned *ráb* as one of the requirements to be obtained by the cultivators from the village allotments, whereas it is shown here that *ráb* numbers were especially marked off for them at the time of survey, the truth being that owing to the causes already mentioned a large proportion of *ráb* numbers have been cleared and the rayats have been allowed to fall back upon the Government forests, many of which, especially Murbád, present a very sorry appearance. Half the rayats in these districts now look to getting their supply of *ráb* from the village allotments. The question might perhaps be raised. If the rayats cut down their *ráb* trees when given to them in separate numbers why they should be expected to preserve them when situated in village allotments? But the reasons are plain. In the first case, after obtaining an immediate profit by the sale of the trees, the rayat has a permanent profit by his increased area of cultivation, whilst also he has been able to fall back upon the Government forests for his supply of *ráb*: but in the case of village allotments the rayat has no interest beyond the trees; he cannot cultivate the soil, if cleared, and by the new rules he could get no more *ráb*. Thus in the former case all the circumstances were in favour of his clearing away the trees, but in the latter the immediate gain to be derived from the sale of the trees must be balanced against a permanent loss of *ráb* without any advantage from increased cultivation.

Lands marked off on application.

18. In marking off land for cultivation on the application of individuals after a district has been surveyed it would seem to have been the custom sometimes to be guided by the reports of *talátis*. I have remarked instances of land having been marked off in the midst of forest, where the object was evidently to obtain possession of the trees. I might instance Sidghar in Murbád where on the application of the people land was marked off although several survey numbers were then unoccupied in the village. The land in question was held for one year and then relinquished and has remained unoccupied ever since. The one year's nominal assessment received by Government in cases of this sort bears no proportion to the loss sustained by the destruction of the forests. Wood dealers have agents all over the district buying up the trees standing in occupied numbers and there can be no doubt that many applications for land are made at the instigation of these people, who by paying the assessment and a trifle to the rayat lending his name clear a handsome profit by the sale of the trees. It would be absurd to say no application for land should ever be entertained. I merely suggest the necessity of establishing—1st, the *bonâ fide* nature of the application, and 2nd, of not leaving the selection of the sites to *talátis* and subordinate *kárkuns*.

Forest fires.

19. Of the various causes tending to the destruction of forests none perhaps can equal in its results the practice annually resorted to of burning the forests. In pasture lands there is an object in view, *viz.*, the nourishment of the roots of the grass and consequent improvement of the pasturage, but on the slopes of the higher ranges, or where cattle do not go and cultivation is not permitted, burning the jungle is the result simply of mischief. The damage done is very great. The seedlings of the year are destroyed, saplings are mutilated and larger trees are scorched and even killed, living trees may often be met with smouldering for days after the fire has passed, and dead trees are frequently seen with their trunks almost burnt through and only waiting for a gust of wind or push of the hand to bring them to the ground. These last may be the natural results of the fire, but in several instances I came across teak trees, both fallen and standing, the trunks of which had been burnt three parts through close to the ground; as the surrounding forest bore no traces of fire, the circumstance appeared curious and after making enquiries I found that it is the practice in some forests to put up to annual auction the right of collecting *fallen wood*. Perhaps the two facts may have some connection and I beg to present them for the consideration of the Conservator of Forests.

Gavlis.

20. Communities of Gavlis are frequently met with in these districts who possess large herds of cattle with which they wander during the fine weather in search of pasture and water. As they are rarely allowed by the villagers to make use of the *gurcharans* marked off by the Survey they have been in the habit of resorting to the Government forests. I do not know whether it is intended by the new rules to close all access to the Government reserves, but if so, the measure will bear rather hardly on these Gavlis. Either their present privileges will have to be retained to them, or each community should be required to select a particular forest and be afterwards restricted to it. In this latter case however the forest should not be set aside expressly as a pasturage for Gavlis, neither should they be allowed to consider that their presence is anything more than *tolerated* in them, as without constant supervision rights are apt to be considered as existing which were never intended.

Forest springs.

21. Another difficulty likely to be felt if access to the Imperial reserves be denied rises from the scarcity of water in some of these jungly villages. In many cases the people obtain their supply of water from holes dug in the bed of a stream or from a small spring, but as the hot weather sets in surface water is dried up and the springs are so reduced that water may be said to cease running from them. The villagers can then only obtain a very limited supply for themselves, and the cattle have to be driven into the forests, in the shady and secluded recesses of which

springs are found running all the year round. In cases of this nature the closing of the forests would be likely to occasion hardship.

Forest tribes.

22. There are certain forest tribes as Thákurs, Várlis, and above all Kátkaris, who gain a living by selling forest produce, taking service under the better class of cultivators during sowing and harvest time and by cultivating small patches of *varkas* crops on their own account. The condition of these people is a subject deserving of separate consideration. I refer to them here, because the success of the new rules (if these are to be acted up to) is to a great extent in their hands, whilst their probable action in the matter has received scant attention. "It is hoped that these people will find employment under the contractors cutting for the department," but the employment which the department can furnish is limited to the forest which can be worked with profit, whilst the aggregate number of these tribes scattered over the forests is considerable. Moreover their employment appears after all to be at the option of contractors. Should these forest tribes take up the idea that they are harshly treated by the operations of the new rules, they are not unlikely to retaliate by burning and destroying the forests, and I do not think they could easily be prevented. They have spent their lives in these forests, are intimately acquainted with them, and the whole of the Forest Department backed by the Collectors will not be able to keep them out of the reserved tracts if they have a mind to go in. Were these people a more civilized and more influential class of society, they would speedily remonstrate against measures likely to interfere with their modes of life, or get friends to do so for them, but they are very needy and ignorant and unable to comprehend the drift of measures until practically brought home to them when their remonstrance is likely to assume a shape which will benefit neither party. A timely consideration of the claims of these people will do more for the success of the new rules than any number of repressive measures. I am aware that questions of this nature are altogether beyond my province, but in the interests of Government I have ventured to bring them forward.

* * * * * * * *

I have, &c.,
JOHN H. LLOYD, Captain,
Assistant Superintendent, Revenue Survey.

Tálukás.	Number of Villages demarcated.	Number of Marks erected.	Total Cost of Marks.	Average Rate per Mark.	Total Cost of Demarcation, including Marks and Supervision.	Total Area of Forest demarcated.	Average Cost per Acre.	Number of Villages possessing Forests.	Total Area of Forest allotted to Villages.	Remarks.
			Rs. a. p.	Rs. a. p.	Rs. a. p.	Acres.	Pies.			
Bhivandi	16	24	28 8 0	1 3 0				112	18,120	The acres of the Nasrápur village allotments cannot be determined until the boundaries are defined.
Murbád	32	66	73 0 0	1 1 8				190	71,428	
Nasarápur.. ..	50	114	107 1 0	0 15 0	2,575 4 0	87,942	5·6	..	..	
Kolvan	23	66	66 15 0	1 0 3				..	..	
Sálsette	1	6	9 12 0	1 10 0				4	5,398	
Total ..	122	276	285 4 0	1 0 6	2,575 4 0	87,942	5·6	306	94,856	The demarcation of Kolvan has not been completed.

JOHN H. LLOYD, Captain,
Assistant Superintendent, Revenue Survey.

Poona, 20th August 1866.

Exhibit No. 4.

(Referred to at page 251.)

Letter No. 288 of 23rd March 1871, from Colonel Francis to the Revenue Commissioner.

The Survey and Settlement Commissioner is glad to notice the change which has come over the people of the Sháhápur *táluka* in respect of the occupation of *varkas* land. For he can assure the Revenue Commissioner that at the time the Survey Settlement was introduced into the district there was the greatest objection on their part to engage for the cultivation of such lands at a fixed rate. They had hitherto held them subject to payment of rent only in years when under cultivation and were strongly opposed to the regular payment of assessment irrespective of cultivation.

2. Not only was the right of occupancy in such lands not claimed at the time of the survey, but it was ignored in many cases, the chief object of the people being to have the land included in the *gáirán*; for it was supposed they would thus have the usufruct of it without the payment of assessment. The undersigned regrets to notice from a pencil remark of the Revenue Commissioner that that officer is under the impression that the Survey

Department knowingly included these lands, over which a *quasi* right of occupation is now claimed in the limits of the *gáirán* allotments with the view of saving trouble and lessening the cost of the survey operations. He begs on the part of the Survey to repudiate the idea of any such practice having been resorted to, the non-measurement of such lands being due entirely to the causes above explained.

3, 4 } (These paragraphs have no bearing on the question).

(True Copy)
J. DEC. ATKINS,
Forest Settlement Officer,
Thána.

Exhibit No. 5.

(Referred to at page 252.)

Copy of a demi-official letter sent to Mr. Atkins by the Bassein Mámlatdár in answer to a letter of his calling on him to explain or withdraw certain evidence.

Bassein, 25th June 1886.

SIR,—I beg to acknowledge receipt of your letter, dated 21st instant, and, in reply, beg to state that I have inadvertently quoted the Collector's circular No. 153 of 15th June 1868 in my answer to question No. 6. I find on further search of my records that authoritative enquiry does not appear to have been made as regards fruit trees in waste land. As a matter of fact, however, there were *sherás* in village form No. 1 of some villages in this *táluka* to the effect that so many trees were *málki* trees. No authority has been quoted for writing such *sherás*; and I believe that the *talátis* have made such *sherás* as per paragraph 6 of explanation to village form No. 1 in Revenue Account Manual. The words *málkichi* have subsequently been erased under authority of Collector's orders. I admit that the statement made by me to the effect that certain lists prepared by *talátis* in accordance with Collector's circular No. 153 of 15th June 1868, were approved by the Collector and were copied in village form No. 1, is incorrect.

I beg to remain,
Sir,
Your most obedient Servant,
(Signed) A. G. KOTWAL,
Mámlatdár.

(True Copy)
J. DEC. ATKINS,
Forest Settlement Officer, Thána.

Poona, 12th July 1886.

Exhibit No. 6.

(Referred to at page 253.)

Extract paragraph 1 from the Revenue Commissioner, N. D.'s Yádi No. 31, dated 28th March 1874, to the Collector of Thána, containing notes of errors and discrepancies discovered on examining the Record of the Taláti of Kalyán.

1. No entries about trees have been made in village form No. 1. The instructions given in the *yádi* for the current year about the village of Lavle, *tárf* Korkada, *táluka* Sháhápur, should be acted up to in this case.

(The Collector of Thána made the following endorsement on this *yádi* :—)

To

RÁO SÁHEB MAMLATDAR

TA'LUKA KALYÁN.

The above-mentioned errors should be looked to and a report should be made to me after taking such steps as may be considered proper for future action.

Dated 24th April 1874.

(Signature.)
Collector.

CIRCULAR No. 14.

To

THE TALA'TIS,

Táluka Kalyán.

Vadi No. 31 from the Revenue Commissioner to the address of the Collector, bearing Thána Collector's No. 65, *Pránt* No. 48 of 1874-75 and *Táluka* Kalyán *Huzúr* Inward No. 405/1874-75

Though it is provided in Hope's Manual of Revenue Accounts that the number of trees should be entered in Village Form No. 1, nobody has yet done so. Having received Pránt Officer's final order, dated 19th September 1874, on the marginally noted correspondence ensued on the subject, you are informed that you should count with accuracy the number of *málki* (proprietary) trees and wells in survey numbers and enter them in village form No. 1. The rest of the trees belong to Government. This work must be completed by the end of January next.

BALAJI VAMAN,

Mámlatdár.

Dated, 30th September 1874.

Exhibit No. 7.

(Referred to at page 253).

Extract paragraphs 1 and 3 from Revenue Commissioner, N. D.'s yádi No. 28, dated 30th March 1874, to the address of the Collector of Thána, containing errors pointed out by the former after examining the record for the year 1872-73 of the village of Lavle in Tune saza of the Sháhápur táluka, forwarded with English letter No. 2211, dated 30th March 1874.

1. When I inquired why the number of trees belonging respectively to Government and the rayats had not been entered in column 20 of village form No. 1 in the case of each survey number, I was told that as the *varkas* numbers contained numerous teak blackwood and other trees, a list of them had not been prepared. When I asked the *táluka* officer (*mámlatdár*) on the subject I was informed that in accordance with my letter No. 4537, dated 23rd September 1873, the Collector issued a circular order No. 71, dated 22nd January 1874; that under Collector's circular No. 32, dated 22nd September 1873, the Assistant Collector with his order No. 17, dated 17th January 1874, sent a list in which the sum of Rs. 983-8-0, of which Rs. 925-11-0 was the price of trees and Rs. 57-13-0 on account of local fund, had been shown as credited. The *mámlatdár* added that the matter had formed the subject of a further report to the Assistant Collector and the necessary entries in register No. 1 would be made when the final orders would be received on the subject. It appears the price (of trees) was paid so long ago as in 1865-66 and so the explanation about the delay in the case is not a satisfactory one. Inquiry should now be made as soon as possible as to (1) in what survey numbers and for how many trees the payments were made, (2) whether the purchasers cut and removed the trees or not, (3) how many trees are still standing in the survey numbers and to whom they belong. Entries should then be made in village form No. 1 and I should be informed of the same fact.

4. In village form No. 16 the receipts from the produce of fruit trees were not given and when I asked the reason for it I was told that there were numerous mango and *mowra* trees claimed by rayats and a list of such trees had not been prepared. It seems that no steps were taken either by the *táluka* or *huzúr* office to get the returns prepared according to the form. Strict orders should, therefore, be issued that a list of such trees should be prepared and the produce for the current year should be filled in.

Exhibit No. 8.

(Referred to at page 254.)

CIRCULAR REVENUE OUTWARD No. 19.

FROM

THE ACTING COLLECTOR OF THÁNA;

To

AZAM JAGANNÁTH GOVIND,

Mámlatdár of Kolvan.

The rayats having been allowed to fell teak and other wood in their *málki* numbers on account of their having purchased, &c., fell the wood whenever they choose; and as the cutting operations thus go on without Government officers knowing anything about them, it has been

noticed that in several instances the rayats have been tempted to cut the neighbouring Government jungle along with the wood in their *málki* numbers. To avoid such frauds the rayats whenever they want to cut wood in their *málki* numbers should apply to the *táluka* or *peta* authorities for permission to cut wood within a certain fixed period and then do the felling and remove the felled wood before the expiry of the period which should not be a long one.

2. Wood in *málki* numbers should be sold to such persons only as would agree to act up to the above conditions; and before selling the wood they should be made to pass *kabuláyats*.

3. In the *kabuláyats* a clause should be added that if the executant acted contrary to the conditions of the *kabuláyat* he shall have to relinquish his right over the felled wood and the wood would belong to Government.

4. When such permissions are granted either by you or the *makálkari* an intimation should at once be given to officers of the Forest Department and to village *pátils* and *talátis*. The latter should be directed to watch over the cutting operations and to report to you when the operations are finished whether the rayat has or has not confined his fellings to his *málki* numbers according to his *kabuláyat*. In the report they should give also the quantity and the kind of the wood felled. You or the *avalkárkun* should keep yourself informed about the cutting operations, and should go unexpectedly to the spot and inspect the Government jungle. This would prevent loss to Government and stop thefts of Government property.

5. As for the rayats who have already been permitted to cut wood in their *málki* numbers, the contents of this order should be explained to them that they might act accordingly, and they should be desired to subscribe their names to a list of villages with a heading containing the substance of the order. The names and addresses of those who would refuse to sign the list should be reported to this office and their action should be closely watched over. Great care should be taken to see that the instructions contained in the 5 paragraphs are carried out.

(Signature)
Collector.

12th August 1865.

Exhibit No. 9.

(Referred to at page 254.)

CIRCULAR No. 91.

(Not applicable to Kolvan and Nasrápur.)

FROM

EDWARD PHILIP DOWN, ESQUIRE,
Collector of Thána.

To

AZAM MORO ABAJI SOMAN,
Mámlatdár of Bhivandí.

Having received Government circular letter No. 734, dated 27th February 1866, you are informed that occupants of survey numbers were hitherto required under Rule 11 of the Joint Rules to obtain permission from the *mámlatdár* before cutting any trees other than teak, blackwood, and fruit trees (the trees specified were reserved). This practice affects the proprietary right of individuals over trees and prevents rayats from protecting their trees. The aforesaid rule if it be in force is therefore cancelled. Those who were registered as occupants of survey numbers at the survey and those who might have subsequently acquired survey numbers in auction sales or otherwise need not now obtain permission for cutting trees in their occupied numbers. Steps should be taken to act up accordingly.

Excluding *inám* or alienated villages, there are 231 villages in your *táluka*. 462 copies of the translation of the Government letter are herewith forwarded. Two copies should be sent to every village, the *pátil* thereof being directed to stick up one of them in some conspicuous place in his village and keep the other for guidance on his record. These copies need not be sent to unsurveyed villages.

(Signature)
Collector.

4th April 1866.

CIRCULAR No. 23.

(Not applicable to Sháhápur, Váda, and Karjat Tálukás.)

FROM

WILLIAM HENRY HAVELOCK, ESQUIRE,
Collector of Thána;

To

THE MA'MLATDA'R OF KALYA'N.

Having received Acting Revenue Commissioner, N. D.'s memorandum No. 3591, dated 18th August 1866, you are informed that as the Joint Rules have never been made applicable to the Konkan, Government Circular No. 734, dated 27th February 1866, in compliance with which the Circular order No. 91 was issued to you under date 4th April 1866, is also inapplicable to Thána District. Forest matters should, therefore, be disposed of according to orders that might have been issued under the authority of the letter No. 2545, dated 10th October 1862, from Mr. Ellis, Revenue Commissioner, copies of which letter were sent for disposal to *Pránt* Officers under this office endorsement No. 2445, dated 5th November 1862. Circular order No. 91 should, therefore, be considered as rescinded.

(Signature)
Collector.

29th August 1866.

Exhibit No. 10.

(Referred to at page 254.)

No. 22 OF 1865.

Sátára, July 14th, 1865.

FROM

JULIAN HOBSON, CAPTAIN,
Assistant Superintendent, Revenue Survey;

To

MAJOR W. WADDINGTON,
Superintendent, Revenue Survey.

SIR,

Agreeably to the orders conveyed to me in the Survey Commissioner's letter No. 84 of 18th February 1865, I have the honour to forward you a report showing the progress made in the forest demarcation work since I took charge of the office specially appointed for that duty.

2. Demarcation work was carried on in the *tálukás* of Sálsette, Bassein and Bhivandi of the Thána *zilla*.

3. In the *táluka* of Sálsette three villages only had their forests marked off; this work was done by the Survey Commissioner himself. I shall, therefore, only show the areas of these forests and the expense of erecting the boundary-marks in this *táluka*.

4. The villages of the Bassein *táluka* marginally noted were personally inspected by me. Sometimes Mr. Williams, Assistant Conservator of Forests, accompanied me when his services from his usual forest work could be spared. The demarcation of the forest of Sasunavghar was fixed by the Survey Commissioner; the area and expense of erecting boundary-marks will be shown hereafter.

1 Poman, 2 Káman, 3 Devdal, 4 Chinchoti, 5 Nágle, 6 Kolhi, 7 Páye, 8 Páyagáv, 9 Khárbáv, 10 Sátivli, 11 Pelhár, 12 Kanher, 13 Shirsád, 14 Mándvi, 15 Chándip, 16 Shivansai, 17 Usgáv, 18 Párol, 19 Májivli, 20 Tilher, 21 Ghátteghar, 22 Karjon, 23 Sáyaván, 24 Kalbhon, 25 Medhe, 26 Bhálivli, 27 Bhátáne, 28 Sakvár, 29 Rajávli, 30 Sásunavghar, 31 Sárjámori, 32 Dhániv, 33 Chandansár, 34 Shiravli, 35 Kasidkopar, 36 Shirgáv, 37 Khánivde, 38 Hedavde.

5. The following is a statement showing the different kinds of timber to be found in each forest:—

Poman.—To the north-eastward part of this forest is to be found a large quantity of very thickly cultivated teak, blackwood and other fine trees; the teak came down so low that we were obliged to retain some of it in the village number.

Káman.—Here there is a large extent of forest, the jungle being very thickly set with teak and other large valuable trees; here we experienced some difficulty in defining the boundary between the Imperial and village number from fear on the one hand of leaving too little for the villages as most of the bunder villages and even Bassein and its adjacent villages get their fuel from this jungle, whereas on the other hand we might be giving over valuable trees to the villages. After marking off a very large tract to the Imperial number we still left a large portion of land with trees for firewood for the village number, but with a larger quantity of teak in the number than we could have wished; still it could not be avoided without depriving the village of too much forest land which was to be guarded against, since the village is a bunder village and much resorted to from far and near for fuel; but for these reasons our line would have been somewhat different.

Devdal.—In this village the forest is small and principally scattered: a firewood jungle.

Chinchoti.—Here there is a large forest tract but not nearly so thickly wooded as the Káman jungle, still very fair. That to the west is the more thickly wooded; the whole forest is in the shape of a horse shoe; some fine trees suited for building purposes to be found here.

Nágle.—On the east of this village it is principally teak, to the westward there is less teak and more thickly wooded with some valuable trees.

Páye.—In this village there is a large tract of forest, principally teak, but not very thickly set.

Páyagáv.—The forest of this village extends over a great space, in some parts it is thickly set, whereas in others it is very thickly wooded: a first class firewood jungle.

Sátivli.—This is a very fine forest thickly set with teak, blackwood, *khair, dháman, bibla* and other fine trees; here a large number of boundary marks were erected as it borders on the fine *inám* jungle of Tungár.

Pelhár.—On the east side of this village there is a thick jungle of teak, small blackwood, *ain, shemat*; the teak, though plentiful, is of small dimensions: this is a first class firewood jungle; to the westward of the village the jungle is very poor, principally small teak and small trees suited for *ráb*; the whole of the west side was given to the village number.

Kanher.—This jungle is principally a firewood one with middling sized teak and *khair* and a few other valuable trees.

Shirsád.—A poor jungle, only a small portion worth retaining for Government.

Mándvi.—The above remark is applicable to this village though the jungle is decidedly better than the last.

Chándip.—A rather extensive jungle, principally teak trees of a small size with small blackwood, *khair* scattered here and there: principally a firewood jungle.

Shivansai.—This is a first class jungle; what there is of it with fine trees suited for building purposes, blackwood, teak, *hedu, kalam, asána, nána* and *bonda*.

Usgáv.—Is a fine forest with a large number of young trees which eventually may be turned to account for building purposes.

Tilher.—This is a very extensive jungle with some very large trees suited for building purposes though the teak is indifferent; there is a large batch of mango trees high upon the hill which must have been purposely planted, but for what reason on such a site it is difficult to conjecture.

Párol.—A very fair forest with *hedu, kalamb, ain*, small teak and few small blackwood scattered here and there.

Májivli.—Here there is a very fine jungle spreading down very low; plenty of *ain* and *ávla* in the village number. The Imperial number contains some very fine trees suited for building purposes.

Gháteghar.—This is a middling sized jungle with some few fine trees.

Karjon.—This is a magnificent and extensive jungle containing very fine trees, teak, *ain*, blackwood, *hedu, kalam, bibla* and *dhávda*; the *ain* is small. In this village some nice sized trees were given over to the village number which could not be avoided.

Sáyaván.—In this jungle may be found some nice trees of blackwood, *hedu, ain, asána, kalam* and *bibla*.

Kalbhon.—An indifferent jungle, principally a firewood one with a great deal of brushwood for *ráb*.

Medhe.—This is an extensive forest, though not very thickly wooded; *ain*, teak, blackwood, *hedu*.

Bhálivli.—This is a scattered jungle best suited for firewood.

Bhátáne.—This is a very fine open jungle with some very beautiful trees, *yellar, kankair, karvail, &c.* Since there is in this forest some fine open ground, I would suggest the planting of some young trees that would be of use for building purposes.

Sakvár.—This is a very thickly set jungle stretched with some magnificent trees suited for building purposes.

Bhárol (Bhátána, *páda*).—This is an immense dense jungle with very many beautiful trees that would be useful for building purposes—teak, *ain*, blackwood, *asána*, *bonda*, *bibla*, &c.

6. In all these villages Imperial numbers were marked off, but in the last eight[1] villages marginally noted, which were also inspected by me, I did not consider the forests of sufficient importance to allot any portion to the Imperial number, so gave the whole over to the village number.

7. This closes the account of the Bassein *táluka*, and brings me to the Bhivandi *táluka*, which is the next one I commenced.

8. The forests of the villages (in the Bhivandi *táluka*) marginally noted have been fixed; the remarks in paragraph 6 apply to the last 14 named villages. The following is a description of the principal timber in the forests:—

1 Akloli, 2 Godgáv, 3 Kelthan, 4 Gorád, 5 Usgáv, 6 Devgad, 7 Mohili, 8 Depoli, 9 Pilje Khurd, 10 Junándrukhi, 11 Kámbe, 12 Karti, 13 Lákhivli, 14 Kuhe, 15 Chimbi-chapáda, 16 Khadki Khurd, 17 Khadki Budrukh, 18 Pimpalshet, 19 Alkivli, 20 Kosivihal, 21 Pevli, 22 Khore, 23 Bhorda, 24 Vaunde, 25 Kelhe, 26 Nevále, 27 Umbarkhand, 28 Nimboli, 29 Ganeshpuri, 30 Bhivali, 31 Málbid, 32 Nánditne, 33 Pilje Budrukh, 34 Kavád Budrukh, 35 Kolhivli, 36 Vághivli, 37 Tehar, 38 Paskuli, 39 Gáne, 40 Pálivli, 41 Dhámne.

Akloli.—This is a very fine jungle with a great quantity of teak, *ain*, blackwood, here and there, and a few *kalam*, few *hedu* and *kandal*.

Godgáv.—The above remark is applicable to this forest.

Kelthan.—Here there is *ain*, teak, blackwood and a few *yellar*, and *koshimb*.

Gorád.—This is a very fine firewood jungle with a good deal of *ain* in it.

Usgáv.—An immense jungle thickly set with teak, *ain* abundant, a little *hedu*, *asána* a good deal, blackwood and *kalamb* a little.

Dugád.—An indifferent jungle, principally a firewood jungle.

Mohili.—The above remark is applicable to this village.

Depoli.—Here there is *ain*, small teak, *koshimb*, *varas*, *hedu* and *kalamb*.

Pilje Khurd.—This is principally a firewood jungle with a few good trees scattered here and there.

Junándrukhi.—Here and there are some fine trees towards the east of the village: a capital firewood jungle; the bunder of this village is one that should be strictly watched, as much timber from the adjoining villages which are very jungly can be easily brought to it without much chance of detection as the carts would not have to pass any but jungly villages from any high road.

Kámbe.—A good firewood jungle but not as good as the last named.

Karti.—The last remark is applicable to this.

Lákhivli.—This is a first rate firewood jungle with some few trees suited for building purposes.

Kuhe.—In this jungle may be found teak, blackwood, *kalamb*, *hedu*, *kundhi*, *bibla* and small *ain*; in some parts bordering on Tilher and Káman the jungle is very dense.

Khadki Khurd.—This is as fine a forest as I have inspected, being equal to Káman and Bhátáne, with teak, blackwood, *kalamb*, *ain*, *hedu* and *khair*.

Khadki Budrukh.—This is merely a firewood jungle though containing some fine trees.

Pimpalshet.—A capital firewood jungle with *ain*, *kalamb*, *koshimb*, *yellar* and *dhávda*.

Alkivli.—Here there is teak, *khair*, a little blackwood, *yellar* and *dhávda*.

9. Villages from Nos. 20 to 27 were marked off at the very close of the season and after my leaving the districts by Sitárám Náráyan; the sites will require inspecting next season. There are about six villages in the Bhivandi *táluka* left for the forest demarcation.

10. On the whole these forests in the two *tálukás* may be considered very good firewood forests, most of the timber being too young for building purposes at present; it is to be regretted that there is so little *tivas* as it is a first class wood, being stronger and I believe more durable than teak. There are many open plots where young trees might be planted with advantage.

11. The following is a summary of the whole of the forest work done this season:—

In the Sálsette *táluka* 3 villages, the demarcation of which was fixed by the Survey Commissioner himself.

In the Bassein *táluka* 38 villages, in one of which the Survey Commissioner defined the demarcation; out of the 38 villages inspected Imperial forests have been fixed in 30; in the remaining 8 villages the forests were too poor to be divided off.

[1] 31 to 38 in paragraph 4 above at page 380.

In the Bhivandi *táluka* 41 villages. In 27 of the villages Imperial forests have been fixed; in 14 the forests were too poor to allot any portion to the Imperial number.

* * * * * * * *

14. With reference to the last parts of the paragraph of the Commissioner's letter quoted in the first of this report I beg to make the following suggestions:—

1*st*.—As it is intended to cut a path of 16 feet wide from one boundary mark to another I would suggest that the work should be done by the villagers of the respective villages and that they be allowed to retain the cuttings for their labour; this might be done under the supervision of the native forest inspectors and would, in my opinion, be considerably less expensive than employing paid wood cutters or cutting the paths by contract.

2*nd*.—I would recommend that the villagers should be obliged to hold village *panchâyats* to apportion the village forest numbers into four lots, one lot to be cut yearly for their consumption, for if they are permitted to cut their apportioned part indiscriminately the whole will be consumed in a short time when there would be a hue and cry for fuel; by allotting off the whole as suggested the portion that is cut in the first year would be grown up again strong (if properly lopped) by the fifth year and fit for cutting again.

3*rd*.—I would suggest that the villagers be advised and encouraged in the planting of young *bábhul* trees on some of their waste lands.

* * * * * * * *

I have, &c.,

JULIAN HOBSON, *Captain*,
Assistant Superintendent, *Revenue Survey*.

Exhibit No 11.

(Referred to at page 258.)

To

THE COLLECTOR OF THA'NA.

I Kánya Shendu Pátil, residing at Sánpáda in the Sálsette *táluka*, hereby agree to pay one anna annually to Government from 1864-65, and will annually pay the same accordingly in consideration of my being allowed to take the fruit of my mango tree situate in the *gurcharan* Survey No. 59 of Sánpáda. If the tree were to die I should be allowed to take the wood with the permission of Government.

Dated 26th August 1884.

KÁNYA SHENDU PÁTIL.

Before me,

NA'RA'YAN RA'VJI.
Mámlatdár.

Exhibit No. 12.

(Referred to at page 258.)

IN THE COURT OF THE ASSISTANT JUDGE, THA'NA.

Original Suit No. 23 of 1870.

Ratanji Shápurji Pátil of Zái, *Táluka* Dáhánu ... ... Plaintiff.

versus

W. B. Mulock, Esquire, 1st Assistant Collector, Pránt Bassein and Khanderáv A'ppáji, Mahálkari of Umbargaon ... ... } Defendants.

Claim—Rs. 50.

For the plaintiff.—Mr. Váman Rámchandra.

For the defendants.—Mr. Rámchandra Trimbak Achárya.

Action by plaintiff to recover with costs Rs. 50 for damages sustained by him through the defendants having attached and sold on the 2nd July 1870 by an auction sale certain trees which he had cut down in Survey Nos. 1 and 2 in the village of Zái in the Dahánu *táluka*. He alleges that the trees belonged to him and were in his occupation.

Defendant's Answer.

1. That the land in Survey Nos. 1 and 2 is unassessed and that plaintiff has no right to the trees standing therein.

2. That this suit is barred by section 41, Bombay Act 1 of 1865, as it was not brought within 2 years of the survey settlement, when the land in dispute was entered as common grazing land.

The issues for decision are:—

1. Is this claim barred by section 41, Bombay Act I of 1865?
2. If not, has plaintiff proved his claim for damages on account of the trees that were cut down as alleged in the plaint?

No further issue.

My finding on the above issues is—

1. That the claim is not barred by Section 41, Bombay Act I of 1865.
2. That plaintiff has not proved his claim.

1. The limitation appointed by the section under consideration applies merely to the action of the Revenue authorities and in no way affects the action of a civil court. I think that therefore this claim is not barred by this section.

2. In order to prove that the defendant has caused damage to him (plaintiff) it is first of all necessary for him to show that the property alleged to have been so injured was his own; otherwise plaintiff can have no right of action. The evidence has been almost all taken before a Commissioner appointed for the purpose. The evidence of witnesses Nos. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 has been recorded. I think that the plaintiff has not proved his claim for damages. The witnesses depose generally that he (plaintiff) used the said trees; but plaintiff has failed to show that he has a right to the same or to the ground on which they stand. That being so, I think that plaintiff's claim must be thrown out. I throw out plaintiff's claim. Costs on plaintiff.

Thána, dated 29th February 1872.

GEORGE AYREST,
Acting Assistant Judge.

(True Copy)
G. A.,
Acting Assistant Judge.

Exhibit No. 13.

(Referred to at page 258.)

IN THE DISTRICT COURT OF THA'NA.

Before W. M. Coghlan, Esquire, District Judge of Thána.

Original Suit No. 23 of 1870 of the file of the Assistant Judge's Court.

Appeal No. 181 of 1872.

Ratanji Shápurji ... ... { Appellant, original Plaintiff.

versus

1. W. B. Mulock, Esquire, Assistant Collector of Thána. ... { Respondents, original Defendants.
2. Khanderáv A'ppáji, Mahálkari ... ...

Original claim ... Rs. 25
Appeal ... „ 25

Pleaders for the appellant.—Mr. Váman Rámchandra and Mr. Keshavráv Govind.

Pleader for the respondent.—Mr. Rámchandra Trimbak.

The original suit was decided by George Ayrest, Esquire, Assistant Judge of Thána, whose judgment is in English.

Plaintiff appeals, urging that -

1. Plaintiff's right over the trees has been satisfactorily proved.

2. The lower Court was wrong in holding that he (plaintiff) had no right over the trees situate in the village.

3. The lower Court was wrong in holding that the (plaintiff) had no right over the trees notwithstanding that he (plaintiff) paid Government tax before the survey inspection took place and that they were in his occupancy.

4. The lower Court's decision is opposed to evidence.

The issue for decision is whether the plaintiff is entitled to damages, as in the plaint alleged, on account of the attachment of the trees by the defendants.

No other issue is sought.

I find on the issue that—

Plaintiff is not entitled to damages, as in the plaint alleged, on account of the attachment of the trees by the defendants.

The limitation point argued below and decided against the defendants has not been raised on appeal.

The evidence is contained in the depositions of witnesses Nos. 21, 22, 23, 24, 25 and 26 for the plaintiff, and Nos. 27, 28, 29, 30, 31, 32 and 33 for the defendants; witnesses Nos. 34, 35 and 36 merely give the value of the wood attached, 25 candies, at Rs. 1-4-0 per candy, Rs. 43¾. I concur with the Assistant Judge's estimate of the evidence. Plaintiff's witnesses prove that plaintiff enjoyed the fruit of the trees for many years but fail to establish his title to the land on which they stand, and the defendants' witnesses show that plaintiff's use of the trees was not peculiar or exclusive but in common with the public.

The plaint does not assert proprietary title in the soil but merely claims the trees by inheritance and purchase. I concur with the lower Court in finding that the plaintiff has failed to establish his claim.

I reject the appeal with the costs on the appellant.

Dated 26th October 1874.

W. M. COGHLAN,
District Judge.

(True Copy)
H. J. PARSONS,
Assistant Judge.

EXHIBIT No. 14

Exhibit No. 14.

(Referred to at page 263).

Statement showing the Material stacked and sold in the several Depôts in the Thana District from the Date of their Establishment to the Date of their Abolition.

No.	Name of Tāluka or Range.	Number of Depôts.	Rafters.		Khāmbs or Posts.		Sāpdis or Small Rafters.		Nāngars or Plough Shares.		Hālas or Plough Beams.		Jokāds or Yoke.		Rumne Stile.		Dhāras.		Dandyas.		Ale.		Dhārāsāhis.		Ghāns.		Water Sāpdis.		Tābūt bamboos.		Axles.		Dāts.		Phāsis.		Shiāvis.		Alvats.		Remarks.
			Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	Stacked.	Sold.	
																	For the year 1883.																							
1	Kalyān	3	600	525	150	133	750	571	125	47	102	47	85	47	96	47	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	This information has been furnished by Mr. Wilkins, Divisional Forest Officer, North Thāna.
2	Karjat...	5	1,134	1,033	345	341	242	195	148	44	218	140	209	99	200	91	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3	Murbād	4	600	156	125	112	750	343	200	58	200	50	200	50	200	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	12	2,334	1,714	620	586	1,742	1,109	473	149	520	237	494	196	496	188	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
																	For the year 1883-84.																							
1	Kinavli	2	458	5	100	48	500	128	...	...	...	...	...	...	...	...	59	15	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	This information has been furnished by Mr Hornidge, Divisional Forest Officer, South Thāna.
2	Mokhāda	1	225	225	50	50	250	250	50	50	...	...	...	...	...	...	53	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3	Khālāpur	3	704	583	146	146	481	208	...	...	...	...	...	...	...	...	93	67	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4	Karjat...	5	1,066	563	219	162	645	464	153	39	154	125	100	97	150	64	94	64	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
5	Murbād	6	1,382	594	327	285	1,699	613	195	45	45	...	...	...	45	45	162	116	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6	Bhivandi	4	1,125	604	259	181	1,463	1,090	...	...	...	...	...	...	...	...	125	84	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
7	Kalyān	7	1,608	920	362	324	2,158	1,471	125	...	102	9	95	6	96	1	178	135	...	...	...	...	...	...	350	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
8	Shāhāpur	6	1,341	219	335	93	1,642	120	287	...	...	...	...	...	...	...	153	31	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	34	7,982	3,713	1,782	1,289	8,238	4,454	810	134	301	179	195	103	291	110	877	539	45	45	...	...	...	...	350	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
																	For the year 1884.																							
1	Dahānu	4	900	491	200	156	1,500	1,054	200	82	...	...	...	...	...	...	100	77	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	This information has been furnished by Mr. Wilkins, Divisional Forest Officer, North Thāna.
2	Sālsette	2	616	567	118	112	509	471	105	91	...	...	...	...	...	...	50	49	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3	Mālsīn	6	1,944	1,736	402	396	2,012	1,961	649	357	...	...	...	...	...	...	203	199	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4	Umbargāon	3	672	611	150	129	720	697	150	64	...	...	...	...	...	...	75	39	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
5	Vada	6	1,457	403	316	233	2,281	1,379	300	...	...	...	...	...	...	...	173	73	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6	Basein	6	1,950	1,588	360	321	1,915	1,335	...	...	...	...	...	...	...	...	144	142	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	27	7,522	5,396	1,546	1,349	8,547	6,897	1,404	611	...	...	...	...	...	...	747	579	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
																	For the year 1884-85.																							
1	Kinavli	2	480	2	67	6	633	250	61	11	50	...	50	...	50	...	41	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	This information has been furnished by Mr. Wilkins, Divisional Forest Officer, South Thāna.
2	Mokhāda	1	225	152	50	32	275	150	50	7	50	8	50	47	50	...	25	16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3	Khālāpur	3	1,068	769	312	289	692	429	75	22	152	114	137	121	112	39	125	65	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4	Karjat	4	1,243	769	230	193	978	723	333	128	273	186	190	180	251	122	113	87	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
5	Murbād	6	1,599	745	346	254	2,094	1,014	300	2	320	201	325	221	300	66	173	64	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6	Bhivandi	4	1,311	598	245	150	977	568	400	212	200	59	200	66	150	49	131	68	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
7	Kalyān	7	2,080	1,243	840	693	3,314	1,571	780	434	418	79	404	71	420	77	229	67	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
8	Shāhāpur	6	1,700	539	461	248	1,881	288	298	13	215	6	215	8	188	1	192	41	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	33	10,209	4,867	2,551	1,775	10,844	4,995	2,299	829	1,678	653	1,691	714	1,521	354	1,023	399	1,305	376	...	...	...	...	400	350	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
																	For the year 1885.																							
1	Mālsīn	7	2,193	1,169	573	284	981	631	947	513	200	13	250	19	...	...	204	146	...	...	30	...	148	50	67	...	513	247	11	11	622	541	50	13	50	13	...	...	...	...	This information has been furnished by Mr. Wilkins, Divisional Forest Officer, North Thāna.
2	Dahānu	4	716	302	129	100	1,513	1,121	213	48	219	...	270	...	230	27	80	45	...	...	...	...	...	...	...	...	253	189	...	...	631	109	...	...	50	...	...	...	...	...	
3	Basein	7	2,020	1,456	223	205	1,561	1,121	213	...	219	...	270	...	230	27	114	113	...	...	...	...	...	...	...	...	563	5	...	...	1	...	...	...	...	...	...	...	...	...	
4	Vada	3	961	467	208	128	993	712	270	86	...	...	...	...	...	...	106	69	...	...	...	...	...	...	...	...	...	...	...	...	50	15	...	...	...	...	...	...	...	...	
5	Sālsette	4	1,053	467	160	95	1,495	1,152	300	...	211	2	215	9	200	...	125	33	...	...	...	...	...	...	...	...	415	78	...	...	272	13	...	...	...	...	112	...	...	...	
		4	793	408	152	107	897	513	216	75	100	50	150	...	50	8	77	28	...	...	100	...	150	...	100	...	50	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	31	7,736	4,019	1,450	846	6,145	3,802	2,178	722	730	65	745	28	480	35	872	460	...	...	130	...	346	50	414	...	1,876	519	11	11	1,616	728	50	13	50	13	50	...	112	...	
																	For the year 1885-86.																							
1	Kinavli	2	480	480	104	104	483	483	100	100	110	110	100	100	116	116	112	112	59	59	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	This information has been furnished by Mr. Hornidge, Divisional Forest Officer, South Thāna.
2	Khālāpur	1	73	73	18	18	123	123	43	43	42	42	3	3	50	50	16	10	50	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3	Karjat	3	299	299	23	23	265	265	72	72	115	115	125	125	80	80	60	60	69	69	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4	Murbād	4	476	476	37	37	235	235	297	297	47	47	19	19	129	129	66	66	50	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
5	Bhivandi	6	875	875	82	82	1,080	1,080	298	298	119	119	104	104	234	234	109	109	136	136	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6	Kalyān	4	838	838	145	145	409	409	188	188	141	141	134	134	141	88	177	177	177	177	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
7	Shāhāpur	7	1,447	1,447	343	343	1,743	1,743	346	346	339	339	339	339	343	343	166	166	347	347	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		6	1,240	1,240	241	241	1,696	1,696	285	285	229	229	227	227	197	197	151	151	200	200	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	33	5,728	5,728	893	893	6,054	6,054	1,539	1,539	1,142	1,142	1,033	1,033	1,299	1,299	762	762	1,097	1,097	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	

Note.—The information furnished by Mr. Wilkins is for the calendar year while that furnished by Mr. Hornidge is for the official year.

Exhibit No. 15.

(Referred to at page 264.)

Seal of the District Forest Officer, Thána.

NOTIFICATION.

FROM

THE DISTRICT FOREST OFFICER, SOUTH THÁNA.

All the cultivators are hereby informed that depôts containing different sorts of wood will be established at the villages noted in the margin* in the *táluka* from 1st December 1883 to 31st May 1884, in order that the rayats may obtain whatever wood they may require for agricultural and household purposes.

The price of wood has been fixed as detailed below :—

Teak.		Rs.	a.	p.
1st class rafter ...	Straight	1	8	0
	Crooked	1	0	0
2nd class rafter ...	Straight	0	10	0
	Crooked	0	7	0
3rd class rafter ...	Straight	0	8	0
	Crooked	0	5	0
Sápdi (small rafter)		0	1	0
Dháran		1	8	0
Post large		0	10	0
small		0	5	0
Injáili plough share		0	2	0

2. The wood in the said depôts will be sold to the cultivating rayats on their producing before the officer in charge of the depôt their receipt books or a *dákhala* or certificate from the *taláti* if they happen to be *eksáli* (yearly) tenants. The articles in the depôt will not be sold to traders and other persons who are not *boná fide* cultivators.

3. Wood worth more than ten rupees will not be sold to any one person in a year.

A. D. WILKINS,
Divisional Forest Officer, South Thána.

1st November 1883.

N.B.—The depôts marked with the asterisk* will remain open for business from 6 A.M. to 6 P.M. only on Mondays. In the others wood will be sold daily.

Exhibit No. 16.

(Referred to at page 264.)

Rules regarding Agricultural Depôts.

1. Agricultural depôts will be established at the following villages in the *táluka* of the Division from 1st December 1883 :—

N.B.—The depôts marked with the asterisk (*) will be in charge of the round guards and the others will be in charge of a separate establishment.

2. The wood as detailed below will be stacked in every depôt :—

First class rafters—		
Straight	12	
Crooked	13	
		25
Second class rafters—		
Straight	25	
Crooked	25	
		50
Third class rafters—		
Straight	75	
Crooked	75	
		150
Sápdis (small rafters)		250
Dhárans		25
Posts (25 small and 25 large)		50
Ploughshares		50

N.B.—Teak trees are to be cut for rafters, *dhárans*, posts, &c. ; *khair* or *koshimb* should be cut for ploughshares.

3. The price of every sort of wood in the depôts has been fixed as follows :—

		Rs.	a.	p.
First class rafter ...	straight	1	8	0
	crooked	1	0	0
Second class rafter	straight	0	10	0
	crooked	0	7	0
Third class rafter ...	straight	0	8	0
	crooked	0	5	0
Sápdi		0	1	0
Dháran		1	8	0
Post large		0	10	0
Post small		0	5	0
Ploughshare		0	2	0

4. The depôts will be open from 1st December 1883 to 31st May 1884.

5. The wood in the depôts which are to be in charge of the round guards will be sold every Monday from 6 A.M. to 6 P.M.

6. The wood in other depôts which will remain always open and which are to be in charge of separate establishment appointed for carrying out the provisions of the rules framed under Section 41 of the Forest Act will be sold every day.

7. The wood in the depôt is to be sold only to *bonâ fide* cultivators on their producing their receipt books and to *eksáli* (yearly) cultivators on their producing a certificate from the *taláti* of their village.

8. Wood more than 10 rupees worth is not to be sold to any one person in a year.

9. The officer in charge of the depôt must keep a register according to form No. 1 and enter in it the name and occupation of the purchaser, the quantity and kind of wood sold to him, the price at and the date on which the wood was sold.

The round guard should send an extract from the register of every such entry to the Divisional Forest Officer through the Range Forest Officer; the depôt *kárkun* should send such extract at the end of every week.

10. The officer in charge of every depôt should likewise keep a statement in the form No. 2 and enter in it the quantity of wood stacked, sold and remaining on hand at the depôt. Copy of this form should be sent to the Divisional Forest Officer along with that of form No. 1 every week.

11. The officer in charge of the depôt should stick up a copy of the notice published with regard to depôts in or near any conspicuous place near the depôt in order that people may know what sort of wood is to be had at the depôt and what price is charged for it.

A. D. WILKINS,
Divisional Forest Officer, South Thána.

5th November 1883.

Exhibit No. 17.

(Referred to at page 266.)

Extract of Report No. 180 submitted to the Collector of Thána, taken from the Jávak Bárnishi Book of the Bassein Táluka of 1864-65.

No. 59, dated 9th February 1865.

The *huzúr* order marginally noted directs that as fuel required for sugar-boiling is not to be given free in the same way as the wood removed from the forests by the rayats for their domestic consumption, an estimate of the firewood that would be required by each sugar-boiler should be made by accurately ascertaining the quantity of firewood that is necessary for a thousand *ultis* or ridges of sugarcane cultivation, that the sugar-boilers should be allowed to remove 100 logs of wood at the rate of Re. 1 per candy, and that a report should be submitted at the close of the season. In conformity with the above quoted instructions I beg to report that having ascertained from the reports received from *talátis* that 1,000 *ultis* require three cart-loads, equal to 4½ candies, the *talátis* and *pátils* have been ordered to levy fees at the rate of Re. 1 per candy from each and every sugar-boiler and remit the amount. When the whole amount of fees shall have been collected by the *talátis* I shall submit my report about the amount collected, as directed in the order.

P.S.—Instructions are solicited as to whether the fees levied on *ultis* for firewood and 4 anna cess levied on brab trees, as per orders received, should be accounted for in a separate Day Book, or they should be credited in the Village Day Book. The *talátis* will be ordered to act up to the instructions that may be received on this point.

Order No. 255, dated 20th March 1865, on the above Report.

There is no objection to credit this amount in the village account books now in use, and you should, therefore, act up accordingly.

Forwarded to the Assistant Collector.

PÁNDURANG SAKHÁRÁM.
Avalkárkun.

Copy forwarded to Mr. Gibson as verbally requested by him.

J. W. ROBERTSON,
Collector.

Thána, 5th January 1874.

Exhibit No. 18.

(Referred to at page 268.)

No. 760 of 1877.

From

G. L. GIBSON, Esquire,
District Forest Officer, Thána;

To

A. T. SHUTTLEWORTH, Esquire,
Conservator of Forests, Northern Division.

Thána, 18th October 1877.

Sir,

I have the honor to forward for your information a list of *nákás* for the collection of fees on dead wood to be established this season showing what fees were collected during the past year and what fees it is proposed to collect during the present year.

I have not as yet, except in Sálsette, ordered the collection of fees on head-loads of dead wood conveyed for sale in the different bázárs though I am strongly of opinion that head-loads should be taxed if only nominally. I do not propose to collect fees on head-loads of dead wood thus conveyed for sale in any other *táluka* than Sálsette until I receive permission to do so. The rates entered are what I would recommend should be taken.

The levy of fees on head-loads of wood is no new idea. So long as 1852 Mr. Davidson reported that a fee of 3 pies per head-load was taken in Bassein and Máhim and later on from 1862 and until the practice of selling yearly the whole of the dead wood by tender was adopted. I find that Mr. Williams collected fees on head-loads brought for sale in Thána. In 1852 the right to collect the tax on head-loads used to be sold by auction in the Southern Konkan, *vide* Mr. Cole's letter No. 899 of 17th May 1852, and since then fees have been collected from time to time at different places and different rates.

The collection of fees on head-loads in Thána is absolutely necessary, the Vyáhád forests supply head-loads to Kurla and Bombay and those of Yeur to Thána. If Government does not tax head-loads the expense of keeping up *nákás* to examine produce and peons to patrol cannot be met and the wood will still be taken, for we cannot keep people out of the forest through which lie roads to forests belonging to *inámdárs*; and unless these forests are closely watched they will certainly be again, as they were once, largely plundered.

The tax, it must be remembered, in large towns falls not on the labourer who brings the wood but on the consumer.

I have, &c.,

(Signed) G. L. GIBSON,
District Forest Officer, Thána.

(True Copy)

A. D. WILKINS,
Divisional Forest Officer, North Thána.

List of Nákás for the years 1877-78 and 1878-1879 for the collection of Fees on Dead Wood and other Produce.

Táluka Dahánu ...	... Sanján.
Do. ...	... Sávta.
Do. ...	... Umbargáv.
Do. ...	... Vevji.
Do. ...	... Vángáv.
Táluka Máhim ...	... Dahisar.
Do. ...	... Sáye.
Do. ...	... Mahágáv.
Táluka Bassein ...	... Bhátáne.
Do. ...	... Mándvi.
Do. ...	... Nágle.
Do. ...	... Mori.
Do. ...	... Gokhivre.
Táluka Sálsette ...	... Yeur.
Do. ...	... Káshi-Mire.
Do. ...	... Vyáhád.
Táluka Sháhápur	... Vásind.
Do. ...	... Sháhápur.
Do. ...	... Kására.
Do. ...	... Atgáv.
Do. ...	.. Khardi.
Táluka Bhivandi	... Lákhivli.
Do. ...	... Umbarkhind.
Táluka Panvel ...	... Chipla.
Do. ...	... Maldunge.

Táluka.	Dead Firewood.					Bamboos.	*Bundhis or Jhitds.*			*Kárvi.*			
	Large Cart.	Small Cart.	Man's Load.	Woman's Load.	Child's Load.	Per 100.	Large Cart.	Small Cart.	Head Load.	Large Cart.	Small Cart.	Man's Load.	Per 100 Bundles.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Dahánu.													
Last year's rates	0 12 0	0 6 0	0 0 3	...	...	Market rate.	1 0 0	0 8 0	0 0 6	0 12 0	0 6 0	...	...
This year's rates	1 0 0	0 8 0	0 0 6	0 0 4	0 0 2	...	...	...	...	0 8 0	0 4 0	0 0 4	0 8 0
Máhim.													
Last year's rates	1 0 0	0 8 0	0 0 3	...	...	...	...	...	...	0 8 0	0 4 0	0 0 4	0 8 0
This year's rates	1 0 0	0 8 0	0 0 6	0 0 4	0 0 2	...	...	...	...	...	...	...	...
Sálsette.													
Last year's rates	...	...	0 0 9	0 0 6	0 0 3	...	...	...	...	0 8 0	0 4 0	0 0 6	0 12 0
This year's rates	Rates as for last year.												
Bassein.													
Last year's rates	1 2 0	0 9 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	1 0 0	0 8 0	...	...
This year's rates	1 2 0	0 9 0	0 0 6	0 0 4	0 0 2	...	1 0 0	0 8 0	0 0 6	0 8 0	0 4 0	0 0 6	0 12 0
Panvel.													
Last year's rates	1 0 0	0 8 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	0 12 0	0 6 0	...	...
This year's rates	Rates as for Bassein.												
Bhivandi.													
Last year's rates	1 2 0	0 9 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	1 0 0	0 8 0	...	...
This year's rates	Rates as for Bassein.												
Karjat.													
Last year's rates	1 0 0	0 8 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	0 12 0	0 6 0	...	...
This year's rates	Rates as for Bassein.												
Sháhápur.													
Last year's rates	1 0 0	0 8 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	0 12 0	0 6 0	...	...
This year's rates	Rates as for Dahánu.												
Murbád.													
Last year's rates	0 12 0	0 6 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	0 12 0	0 6 0	...	...
This year's rates	Rates as for Dahánu.												
Kalyán.													
Last year's rates	1 0 0	0 8 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	0 12 0	0 6 0	...	...
This year's rates	Rates as for Bassein.												
Váda.													
Last year's rates	0 12 0	0 6 0	0 0 3	...	...	...	1 0 0	0 8 0	0 0 6	0 12 0	0 6 0	...	...
This year's rates	Rates as for Dahánu.												

(Signed) G. L. GIBSON,
District Forest Officer, Thána.

No. of 1877.

From

A. T. SHUTTLEWORTH, Esquire,
Conservator of Forests, N. D.;

To

G. L. GIBSON, Esquire,
District Forest Officer, Thána.

Poona, 25th October 1877.

Sir,

In acknowledging the receipt of your letter No. 760 of the 18th instant, I have the honor to inform you that the Collector not objecting your proposal regarding fees may be introduced at once.

2. Mr. Jervoise has endorsed your letter—"It is noted that only head-loads of wood for sale are taxed." I conclude from this that the Collector does not object to your proposals which relate only to head-loads.

3. The rate of fees in no *tálukás* should, I think, be under 8 annas per cart-load and 6 pies man's head-load with a corresponding sliding scale for women and children. These are the rates obtaining in Kolába and are considered fair by the people.

4. In the Sálsette, Bassein and Bhivandi *tálukás* it may be desirable, owing to their propinquity to Bombay and accessibility, to raise the fee slightly. I see you have fixed the cart-loads at 9 annas and the head-loads in Sálsette at 9 pies.

I have, &c.,

(Signed) A. T. SHUTTLEWORTH,
Conservator of Forests, N. D.

Through the Collector.

No. 3444 of 1877.

Forwarded.

I made my note to show that I understood that it was only head-loads *for sale* that the fee is to be collected—not on head-loads brought by people for their own use or by people hired for the purpose of bringing in wood.

26th October 1877.

(Signed) A. JERVOISE,
Acting Collector.

(True Copy.)

A. D. WILKINS,
Divisional Forest Officer, North Thána.

Exhibit No. 19.

(Referred to at page 289.)

Figured Statement showing the Demarcation Work done in different Tálukás of the Kolába District prior to the passing of the Forest Act VII. of 1878 by the Survey Department;—

Serial Number	Name of Táluka.	Forest.	Village Forest.	Remarks.
1	2	3	4	5
		Acres g. a.	Acres g. a.	
1	Panvel	.....	.....	
2	Pen	44,862 9 4	19,164 3 4	
3	Alibág	42,739 3 8	.....	
4	Roha	29,505 35 0	2,739 2 12	
5	Mángáv	24,074 10 4	999 32 0	
6	Mahád	30,953 34 8	543 34 0	
	Total ...	154,135 12 8	23,446 32 0	

W. F. SINCLAIR,
Forest Settlement Officer.

Exhibit No. 20.

(Referred to at page 290.)

Permit for Forest Cultivation to A, son of B, Chief of the Thákurs (or as the case may be), dwelling in Village C, and his Clan.

You may cultivate land in the forests of village C on the following terms :—

(1). You shall cultivate within the following limits only :—

North, South, East, West } Here enter natural boundaries by local names, cairns erected by forest settlement, or old numbers well known. No mere formal boundary will suffice ;

(2). If you have no ploughs, you shall till the ground with a pick, and not merely throw seed into the ashes ;

(3). You may make a *bándh* (embankment) and sow rice if you can ;

(4). You may not cut timber or fruit trees, young or old, but must protect them ;

(5). You may cut brushwood for your *ráb* and fencing within the limits aforesaid ; but you are not to cut and carry it out of the forest without permission ;

(6). You may eat the fruit of any tree growing in the forests of your village, or take it away for sale, except *mowra, hirda* nuts and *shikekái.*

(7). You may take the leaves of trees growing in your limits above-mentioned except *palas, ápta,* and *tembhurni ;*

(8). These three sorts of leaves and three sorts of fruits you are not to take without permission ;

(9). You are not to interfere at all with the village rayats or the village cattle, except to keep them off your growing crops, or from fruit trees planted or protected by you in your own limits ;

(10). You shall not fire the forest on any pretence whatever. You shall keep the fire of your *ráb* from touching the forest. If you make a fire in the forest to cook or to warm yourselves, you shall extinguish it when you leave the place. When you throw away the ashes of a *chillum,* or the stump of a cigarette, you shall put your heel upon it as the *sáhebs* do. If the forest should take fire in any way, you shall go at once and put it out, and report the same to the *pátil* and the forest officers, that you may be paid for your labour ;

(11). If any person steals timber or forest produce in the forests of your village, or fires the forest, or brings the cattle of another village into it without permission, you are to report to the village and forest officers ;

(12). You will pay such assessment as may be fixed, and which shall ordinarily be four annas per acre ;

(13). If you have a dispute about your cultivation and cannot settle it among yourselves you shall report to the village officers, and they shall report to the *sarkár* for orders, and you shall abide by such orders as you may receive from the *mámlatdár* or forfeit your right to cultivate ;

(14). Besides cultivating grain and fruit in your own limits above-mentioned you may collect dead wood throughout the Government forests in your village and may take it to other villages for sale. But you shall not take it for sale to bunders or to traders without express permission. It is not allowed to any other person to sell dead wood, but only to collect it for private use in his own house in his own village. You are not to cut live wood for sale without permission.

(15). The *sarkár* has given you this permit in order that you may fill your bellies and protect the Government forest in your village. If you obey these orders, you will be allowed to cultivate accordingly, and if not, the forest will be closed to you altogether.

Exhibit No. 21.

(Referred to at page 290.)

Agreement for Forest Cultivation.

We the undersigned Thákurs residing at , *táluka* , *zilla* Kolába, do hereby agree as follows :—

We agree to cultivate the land in the forests of the village of on the following terms :

1. We shall cultivate the piece measuring acres *gunthás* in the survey number within the following limits only :—

North, South, East, West } Here enter natural boundaries by local names, cairns erected by forest settlement, or old numbers well known. No mere formal boundary will suffice;

2. If we have no ploughs, we shall till the ground with a pick and not merely throw seed into the ashes;

3. We shall make a *bándh* (embankment) and sow rice if we can;

4. We shall not cut timber or fruit trees, young or old, but shall protect them;

5. We are allowed to cut brushwood for our *ráb* and fencing within the limits aforesaid but we shall not cut and carry it out of the forest without permission from the proper authority;

6. We are allowed to eat the fruit of any tree growing in the forests within our limits and take it away for sale, except *mowra, hirda* nuts and *shikekái*;

7. We shall take the leaves of trees growing in our limits above-mentioned, except of *palas, ápta* and *tembhurni*;

8. These three sorts of leaves and three sorts of fruits we are not allowed to take and shall not take, without permission;

9. We shall not interfere at all with the village rayats or the village cattle, except to keep them off our growing crops, or from fruit trees planted or protected by us in our own limits;

10. We shall not fire the forest on any pretence whatever; we shall keep the fire of our *ráb* from touching the forest. If we make a fire in the forest to cook or to warm ourselves, we shall extinguish it when we leave the place. When we throw away the ashes of a *chillum* or the stump of a cigarette we shall put our heel upon it as the *sáhebs* do. If the forest should take fire in any way we shall go at once and put it out and report the same to the *pátil* and the forest officers in order that we may be paid for our labour;

11. If any person steals timber or forest produce in the forests of our village or fires the forest, or brings the cattle of another village into it without permission, we shall report the fact to the village and forest officers;

12. We will pay such assessment as may be fixed, and which shall ordinarily be four annas per acre;

13. If we have a dispute about our cultivation and cannot settle it among ourselves we shall report to the village officers, and they shall report to the *sarkár* for orders, and we shall abide by such orders as we may receive from the *mámlatdár*, otherwise our right to cultivate should be considered as forfeited;

14. Besides cultivating grain and fruit in our own limits above-mentioned we are allowed to collect dead wood throughout the Government forests in our village and take it to other villages for sale. But we shall not take it for sale to bunders or to traders without written permission. It is not allowed to any person other than Thákurs and Kátkaris to sell dead wood, but they are allowed only to collect it for private use in their own houses in their own village. We shall not cut live wood for sale without permission;

15. The *sarkár* has given us this land in order that we may fill our bellies and protect the Government forest in our village. If we obey these orders, we shall be allowed to cultivate accordingly, and if not, the forest will be closed to us altogether.

We have passed the agreement as above, dated 188 .

Exhibit No. 22.

(Referred to at page 290.)

Statement showing Dalhi Lands hitherto allotted by the Forest Settlement Officer, Kolába, in the Kolába District.

Name of Village.	From which Survey Number.	Area. A.	g.	Remarks.
Panvel Táluka.				
Bherle...	62	60	9	Kátkaris.
Poi	50	38	24	Hill Kolis.
D.	...	27	4	Kátkaris.
Kalambusre	131	48	24	Mhárs.
Do.	...	27	36	Do.
Sái	223	45	12	Kátkaris.
Do.	...	43	34	Mhárs.
Karnála	259	76	36	Do.
Do.	...	96	8	Kátkaris.
Chirle	159	53	14	Do.
Dighâti	78	47	4	Mhárs.
Do.	...	39	10	Do.
Hadambe	14	76	4	Kátkaris.
Turande	62	60	29	Thákurs.
Kalhe	94	293	0	Kátkaris.
Akulvádi	73	74	2	Thákurs.
Nanoshi Goteghar	74	386	20	Thákurs and Kátkaris.
Támsai	40	114	34	Thákurs.
Morbe...	117	88	18	Do.
Do.	...	101	22	Do.
Do.	...	49	28	Kátkaris.
Deherang	50	97	8	Thákurs.
Váje	116	50	24	Kátkaris.
Vajápur	60	602	4	Thákurs.
Vavanje	195	70	36	Kátkaris.
Nitale...	129	69	34	Do.
Maldunge	141	481	24	Thákurs.
Do.	...	186	4	Do.
Vehegáv	36	46	4	Mhárs.
Vardoli	100	72	2	Thákurs.
Do.	..	23	12	Do.
Do.	...	73	12	Kátkaris.
Gadhe	36	81	21	Thákurs.
Vángni	46	46	0	Do.
Shiravli	25	15	27	Katkáris.
Poinje...	148	10	20	Do.
Kalivli	25	67	20	Do.
Do.	...	100	12	Thákurs.
Do.	...	2	26	Old *dalhi* land of Thákurs now measured.
Do.	...	3	19	Do.
Do.	...	10	17	Do.
Do.	...	1	36	Do.
Chavne	83	112	4	Kátkaris.
Do.	...	8	33	Mhárs.
Do.	...	4	28	Old *dalhi* land of a Thákur measured.
Mánikgarh	37	2	9	Thákurs.
Do.	...	7	31	Do.
Do.	...	4	16	Do.
Do.	...	1	22	Do.
Do.	...	6	25	Do.
Do.	...	2	29	Do.
Do.	...	12	27	Do.
Do.	...	10	16	Do.
Do.	...	9	34	Do.
Do.	37	24	25	Do.
Sangurli	67	91	0	Kátkaris.
Kaire...	95	52	6	Mhárs and Kátkaris.
Mosare	96	110	14	Thákurs.
Carried over ...	...	4,424	14	

Name of Village.	From which Survey Number.	Area. A.	g.	Remarks.
Brought forward ...	...	4,424	14	
Moare	...	71	30	Thákurs.
Chirner	268	109	20	Kátkaris.
Manghar	35	132	24	Thákurs.
Total ...	...	4,738	8	
Alibág Táluka.				
Aveti	80	59	15	Kátkaris.
Bidvagle	159	37	25	Do.
Do.	...	41	20	This land is given to Kurdus Kátkaris.
Kusumble	136	37	27	Kátkaris.
Do.	...	34	38	Thákurs.
Ruishet Bhomoli	18	56	14	Do.
Total ...	...	267	19	
Mahád Táluka.				
Koturde	198	100	24	Kátkaris.
Váki Budrukh	347	89	30	Do.
Parvadi	64	31	8	Do.
Total ...	...	221	22	
Mángáv Táluka.				
Khardi Khurd	95	17	22	Kátkaris.
Shirsád	194	29	31	Do.
Vidhat	68	69	32	Do.
Kumbhárte	68	53	36	Do.
Bhále	118	106	4	Do.
Váki	47	31	5	Do.
Do.	54	38	24	Do.
Nizámpur	120	22	24	Do.
Do.	172	267	15	Do.
Sángi	66	70	7	Do.
Do.	68	26	10	Do.
Sáje	119	85	24	Do.
Koste Budrukh	132	29	16	Do.
Koshimble	69	34	13	Do.
Koste Khurd...	128	18	36	Do.
Do.	115	33	13	Sálve Kátkaris.
Do.	...	36	15	Panose Kátkaris.
Chanat	52	14	0	Dhangars.
Do.	55	16	20	Do.
Vile	361	61	20	Mhárs.
Do.	376	239	7	Kátkaris.
Total ...	...	1,302	14	
Grand Total ...	...	6,529	22	

W. F. SINCLAIR,
Forest Settlement Officer, Kolába.

July 1886.

Exhibit No. 23.

(Referred to at page 290).

No. 100 of 1886.

From

W. F. SINCLAIR, Esquire,
Forest Settlement Officer, Kolába;

To

The COLLECTOR of KOLÁBA.

Camp Uran, 1st April 1886.

Sir,

The question of the extent to which forest villagers or others are to be allowed the use of Government forests has been dealt with in so much correspondence that there is evidently great difficulty in the Forest Department in understanding it, and I myself find great difficulty in explaining to the villagers what they may and what they may not do.

There are great many Government Resolutions on the subject, some of them modify others, and several referring in the first instance to the Thána district, and rendered inapplicable to our forests in the letter, though by no means in the spirit, by our very different local circumstances, and dialect.

For instance several of the vernacular names of trees used are unknown here, and several trees are not, for practical purposes, common to both districts.

A permission to lop *ain* trees is of no use to some of our southern villages, where that tree (Terminalia tomentosa) is entirely represented by the closely allied *kinjal* (T. paniculata) and regulations about *mowra* have only a dim prospective importance here, as we probably have not a *mowra* tree in bearing in all our forests, though we have a few seedlings.

I have, therefore, put together a scheme, the sanction of which would, I think, include all the orders necessary at present, and be in accordance with the spirit of those already issued.

As I make a very great distinction between closed and open forests, I should say that I count upon every closure of Reserved forest being sanctioned by the Conservator of Forests, and where it affects any right (or 'privilege'?) entered in the Survey Register by the Commissioner.

Orders of the Conservator to this effect have already been passed at my suggestion (when acting for you) and I believe that a list of proposed closures is under preparation in the Divisional Forest Office. I need hardly say that all closures ought to be announced at least a year beforehand through the Revenue Department in order to give villagers time to make their arrangements.

I.

RESERVED FORESTS.

(*a*).—Closed Reserved Forests.

Articles that may be removed for domestic use by Forest Villagers without special permission or, supervision, and free of charge.

(1). Grass (except in *kurans*, that is, Government lands reserved for supply of grass for the market).

(2). Dead leaves.

(3). Dead fallen wood.

(4). Wild honey.

(5). Wild fruits, except those of *hirda* (Terminalia chebulica), *behada* (Terminalia bellerica) locally called *vehala* or *yehala*, *mowra* (Bassin latifolia), and *shikekái* (Acacia concinna).

Articles that may be removed by general or special permission, and under such supervision as may be found necessary free of charge.

(1). Standing dead wood.

(2). *Kárvi* (strobilanthus grahamiana).

(3). Thorns and brushwood.

Village cattle to be allowed free pasture in closed, Reserved forests, except in *kurans*, or where for special reasons, such as the renewal of the grass itself, or the existence of a young growth of seedlings or coppice wood, it is specially refused.

A closure from June to November inclusive will generally be found sufficient for grass in this district, as by November the grass seeds have generally fallen, and the grass is already dry enough to cause much danger of fire.

When the closure is for the sake of seedling plants or coppice teak (*phutva ságván*) it must necessarily extend through the whole year (as to cattle) and last for a period in the former case from 5 to 10 years, and in the latter 3 to 5 years, after which it may reasonably be expected that the entrance of heavy cattle will not harm it appreciably. But in all cases it is desirable to get rid of the dry grass as early as possible and therefore grass cutting should be permitted free at all seasons in both these cases, in all forests that are not *kurans*.

It does not appear necessary or desirable to grant any further privileges in closed Reserved forests, except to wild tribes, or to such individuals of other castes, generally Mhárs or Dhangars, as are occasionally classed with them on account of special local circumstances.

These should have the same privileges as the forest villagers, and in addition, permission to sell jungle fruit, except the four species mentioned, and (for the present, until a departmental market is opened to them) dead wood in non-forest villages, not any landing place or harbour, whence fuel is exported.

They might, I think, be permitted to sell *kárvi*, under the same restriction, in any case where it is not found profitable to supply the market departmentally. In closed Reserved forests, of course, no lopping of any tree could be permitted.

(*b*).—Open Reserved Forests.

Besides the privileges allowed in the closed reserves, the following should, I think, be allowed in open Reserved forests to forest villagers:—

(1). Lopping of brushwood (including *kárvi*) and thorns for use as manure or fencing within the village.

(2). Lopping of trees not included in the appended list (which for fear of confusion, I shall call a list of forbidden trees) for manure.

(3). The taking of all leaves for domestic and agricultural use within the village.

(4). The taking of strips of bark to bind up bundles of grass, &c. These strips are not taken from any tree that is of commercial importance in these jungles, and the inferior trees can be sufficiently protected by closure.

(5). The taking of earth, stones, &c., upon the written permission of the proper forest subordinate, as under Rule 39 of the rules under the Land Revenue Code. This is important in villages where there is little waste land not included in forest, and under the sweeping Gazettes of 1879 very great inconvenience has more than once been caused by the want of such an order.

II.

PROTECTED FORESTS.

(*a*).—Closed Protected Forests.

The orders in these should be the same as in closed Reserved forests. The privileges proposed above for the latter are all that could possibly be allowed without frustrating the object of closure, namely, the renewal of forest exhausted, or in danger of exhaustion. As Protected forests can only be closed (under Section 29 (*b*), Indian Forest Act, 1878,) by notification in the Gazette ordered by His Excellency the Governor in Council there is no fear of the closure being applied to them before it can be shown on undeniable grounds that it is necessary.

As regards the reservation of trees in Protected forests, I think, the best thing to do is what has lately been done in Thána, *viz.*, to reserve all trees in Protected forest, allowing the use of them for specific purposes under departmental orders sanctioned by Resolution of Government.

(*b*).—Open Protected Forests.

In these I propose to give the same privileges as in open Reserved forests with the following additions:—

(1). Firstly, the list of trees which may not be lopped to be restricted to teak, trees yielding fruit, leaves or flowers of some economical value to the villagers and one or two trees, which are not numerous but almost always important for shade to men and cattle.

(2). Secondly, that the Police *pátil* should give permission to remove earth, &c., as under Rule 39 under Land Revenue Code.

The result of these orders will be that the Forest Department will scarcely interfere in the Protected forests at all, except for the protection of teak, which is universally admitted to be a royalty, or the closure or reservation of the forests when in danger of exhaustion.

This may seem rather sweeping, but the fact is that the forests now being classed by me as Protected contain no timber, except teak, worth protecting as a source of Government revenue, and from their soil, position, and other conditions it is impossible profitably to improve them as a source of timber supply for the market. They are, however, of great value to local agriculture, as supplying it with branches of manure, minor forest produce, and some inferior timber, and fuel, and the best that can be done is to maintain them on this footing.

The exceptions to these remarks are in the case of some small areas of land lying surrounded by Reserved forest, or gazetted as Protected forest merely because that course avoided the waste of my time, and the annoyance of villagers, by renewing the cumbrous procedure required by law for Reserved forest, and in that of some larger areas, treeless, but suitable for plantation, but likely to be planted for some years and therefore now utilized as *kuran* or free pasture.

There are three Protected forests in Panvel, two of which are proposed for reservation in which a right to cut fuel has been found in settlement, and in these special arrangements for regulating the cutting must be made.

I do not think that this will be difficult, if the Range Forest Officer is once clearly given to understand that it must be done. I make this remark because in this particular *táluka* successive Range Forest Officers have shown a tendency to require admonition of the sort. I do not know whether the present incumbent is one of those referred to or not.

As regards non-forest villagers, I class any man, cultivating land in a village, where there is forest, *himself* as a forest villager, whether his house be in it, or, as is not uncommon, in the next. But where a man lives at some distance, and sublets his land, it is clear that the forest cannot fairly be charged with the supply of fencing, for instance, both to him, and his sub-tenants, *e.g.*, the whole agriculture of the forest village of Kiravli in Panvel is carried on by persons resident in Adivli, next door, and therefore grass, thorns, might reasonably be carried from the Kiravli forest which is 'Protected' to Adivli. But if, as is probable, some of these are sub-tenants of capitalists in Panvel, it is clear that the latter cannot claim an indulgence of this sort.

In one case only non-forest villagers have shown at settlement sufficient evidence to justify me in recording their right to any use of a forest, apart from their tenure of land in it.

And, as you know, I do not think it desirable to assimilate the indulgencies granted to them altogether to those of the forest villagers, because, I hold that course to be not only a letting in of an enemy, but a discouragement of a possible ally.

The only indulgence of the sort that I can recommend is that already granted to the fishermen of cutting wild vines for their stake net gear in any forest.

The proposals made above naturally affect minor forest produce chiefly. You will observe that I have not advocated the granting of permission to cut free fuel (though in three cases I have found a *right* to do it), or timber, no matter how coarse, for any purpose.

The remaining sources of minor forest revenue will be—

(1). Grass *kurans* (or natural upland meadows).

(2). Myrobalans and *shikekái*.

(3). The sale of leaves from Government forests in bazárs or for export for use as plates or cigarette papers. The more I see of it the less possible I think it to preserve any leaf from free use by forest villagers. Indeed it is not attempted.

(4). *Shembi* bark (I have not been able to identify this plant).

Of these first only is of much importance at present. The myrobalans are a very bad second, and the others not worth much.

I have, &c.,

(Signed) W. F. SINCLAIR,
Forest Settlement Officer.

(True Copy)

ALFRED KEYSER,
Collector.

APPENDIX A.

List of Forest Leaves now used in the Kolába District and for what use (other than Manure for which all are used).

Tád.—(Borassus flabelliformis) toddy palm, or brab tree, (from the Portuguese-palmeira *Káva* wild palm) thatching.

Teak.—Thatching, lining corn-bins, flooring the germinating bed for salt rice.

Palas.—(Butea frondosa) plates, umbrellas, lining baskets, and sometimes thatching.

Karambel.—(Dellenia pentagyna) plates.

A'mándi.—(Unidentified).

Kudi.—Unidentified*) plates fresh only.

Mávali.—(Bauhinia vahlii of Lamarek).
A creeper Do.

Apta.—(B. racemosa of Lamarek). There is confusion about the identification of these plants. I follow Brandis. *Mávali* is a creeper, *ápta* a large bush or small tree. Cigarettes.

Temri.—(Diospyros sp.)
Do.

(Signed) W. F. SINCLAIR,
Forest Settlement Officer

* Probably a wrightia is exported to Bombay from Elephanta only.

(True Copy)
ALFRED KEYSER,
Collector.

APPENDIX B.

Ráb Materials in the Kolába Forests.

N.B.—In open *Reserved* forests the list is naturally one of materials that *may* be taken, the presumption being *against* a permission.

In *Protected* forests, on the other hand, the presumption is that everything, excepted teak, may be taken, and this is the ordinary register entry in the southern villages, where the Survey Department was much more careful than in the north.

The list here therefore is one of trees that may *not* be taken.

List A.

Ráb materials in open Reserved Forest.

Grass, dead leaves, brushwood, loppings of the following trees:—

(1) *A'in* (Terminalia tomentosa).
(2) *Kinjal* (T. paniculata).
(3) *Sátvin* (Alotonia scholaris).
(4) *Kát Sávar* (Bombax malabaricum).
(5) *Kumbha* (Careya arborea).
(6) *Umbar* (Ficus glomerata).
(7) *Dhávda* (Anogeissus latifolia).
(8) *Koshimb* (Schleichera trijuga).
(9) *Nána* (Lagerstræmia lanceolata).
(10) *Bhondaga* (Lagerstræmia parviflora).

As regards the 7th, 8th, 9th, and 10th trees, though I would allow them to be lopped in Reserved forests now left open, yet I would not permit it in any forest that has once been closed, and brought into good condition. The people have in many places begged hard for them; as in certain jungles they replace the terminalias and the specimens now standing are most fit for nothing, but lopping, and "used to it like the ells." But after a closure it may fairly be presumed that there will be many good saplings of all four in the forests; and as all four are good timber trees, capable of growing to full size, even on our rocky land, it would be most undesirable to permit these to be lopped.

It may also fairly be presumed that after closure there will be enough of the other six species, and of brushwood, in the re-opened forests to compensate the villagers for the loss of the four trees.

Ráb Materials in open Protected Forest.

Grass, dead leaves, and loppings of all, but the following trees. The product for the sake of which lopping each tree is forbidden, is added :—

Teak (Tectona grandis). Timber.
Mango (Mangifera indica). Fruit and shade.
Tamarind (Tamarindus indica). Fruit and shade.
Niv (Anthocephalus kadamba). Fruit and shade.
Vehala (Terminalia bellerica). Fruit and shade.
Hirda (T. chebulica). Fruit and shade.
Shikekái (Acacia concinna). This is as creeper. Fruit and shade.
Jack (Artocarpus integrifolia). Fruit and shade.
Palas (Butea frondosa). Leaves.
Karmbel (Dillenia pentagyna). Leaves.
Temri or Ebony (Diospyros sp.). Leaves.
A'pta (Bauhinia racemosa (Lamarek). Leaves.
Amandi (Unidentified). Fruit and shade.
Shembi (ditto) Bark.
Vad or banyan (Ficus bengaliensis). Shade.

This seems a formidable list but none of the trees mentioned, except the mango, are common enough to be important as sources of manure, and I have carefully consulted the villagers of many villages, who have all agreed upon it.

(Signed) W. F. SINCLAIR,
Forest Settlement Officer.

(True Copy)
ALFRED KEYSER,
Collector, Kolába.

Exhibit No. 24.

(Referred to at page 299.)

***Reserved Forest** in the Village of Ráhatad, Táluka Mángáv.*

Notified Numbers.

Nos.	Area.	Register entry.
	A. g.	
160	195 13	Forest reserve, cattle to graze free. *Ráb* may be cut except teak.
172	297 12	Government forest.

Petition dated 4th January 1880. Present before the Settlement Officer;

The *kárkun* of *khot* Vishnu Náráyan, who lives at Tale, appears with some of the villagers, who state: We had the right of cultivating in these numbers until the survey. Now we only graze our cattle and cut *ráb* material in them. The *khot* did not agree to settlement; enters into yearly agreement. Claims under it ⅓ share of timber. There is no appointed agent in the village to look after the forest. The *kárkun* goes to the village from time to time.

(Signed) T. HAMILTON,
Forest Settlement Officer.

Indápur, 22nd November 1882.

Decision.

The road to Girve must be kept open. Right of way to occupied numbers 132—3 is also admitted. With these exceptions I declare for the reasons recorded that the gazetted lands are free of rights.

(Signed) T. HAMILTON,
Forest Settlement Officer.

6th March 1883.

(True Copy.)
W. F. SINCLAIR,
Forest Settlement Officer, Kolába.

Exhibit No. 25.

(Referred to at page 299.)

Proposed Reserved Forest in the Village of Tckarde, Táluka Mángáv.

Number notified, 1883.

No.	Area.	Register entry.
	A. g. a.	
56	70 13 0	Government forest and free grazing.

Notification published 9th August 1883.

Petition dated (none).

Present before the Settlement Officer:

Ábáji Parshrám Bhat, *khot* (and some dozen villagers), who states that ever since the survey he has been asking for this number to be given over to his occupancy, saying it was part of the *khoti* before the Survey. There are 260 acres of assessed *varkas* in the village which has 45 houses and 150 head of cattle. The land is wanted for grazing and *ráb* and firewood.

Decision.

The *khot's* contention is the same as usual—a claim to the ownership of the soil of the village. This I reject as I have done in so many previous instances. Nor can I admit under the Government rulings any rights as belonging to the rayats to grazing or *ráb*-cutting. I therefore declare the land free of rights, except a right of way to survey number 57 and to Medhe and Kondthare.

(Signed) C. B. WINCHESTER,
Forest Settlement Officer.

Camp Indápur, 28th February 1884.

(True Copy)
W. F. SINCLAIR,
Forest Settlement Officer, Kolába.

Exhibit No. 26.

(Referred to at page. 299.)

Reserved Forest in the Village of Sándoshi, Táluka Máhád.

Number notified, 1879.

No.	Area.	Register entry.
	A. g. a.	
108	1,383 18 0	Government forest.

Petition dated 6th January 1880.

Present before the Settlement Officer:

Bápuráv Bhavánráv, *khot* states: Too much of my land was taken up for forest. I ask that some of it may be given back to me. We are allowed to cut *ráb* in it. We do not cut down the trees.

(Signed) T. HAMILTON,
Forest Settlement Officer.

A'kle, 14th December 1882.

Memorandum.—Paulaghát lies over this number.

Decision.

The Paulaghát road must be kept open. With this exception I declare this number to be free of rights.

(Signed) T. HAMILTON,
Forest Settlement Officer.

Alibág, 8th March 1883.

(True Copy)
W. F. SINCLAIR,
Forest Settlement Officer.

Exhibit No. 27.

(Referred to at page 300.)

Reserved Forest in the Village of Shirsád, Táluka Mángáv.

Number notified.

No.	Area.	Register entry.
	A. g. a.	
191	139 22 0	Forest reserve. Cattle may graze free.

Petition dated

Present before the Settlement Officer:

Bhikáji Purshotam Bháte, *khot*-sharer, states: I will not agree to sell No. 131 to Government. As to No. 191 I claim rights of cutting *ráb*, firewood and of grazing in it. I did accept the survey lease of 30 years. Under clause 15 the numbers set aside as forest reserve were Nos. 169, 182, 186, 191 and 194—five numbers.

I accepted the lease as *khot*, but the *khots* of Shirsád are the *dhárekaris*, and as such I claim ownership of all the village lands and the timber thereon.

Puts in various leases under which he claims portions of No. 191, which he says were wrongly included in that number. Cannot, however, show these portions on the map.

Puts in agreement between Dr. Gibson and Rámráv Vásudev, father of one of the *khot*-sharers. States that Rámráv Vásudev is dead. Claims ⅛ share of teak under this agreement

Khots of this and other villages ask on what points they should bring evidence. I tell them as follows:—

1. As to the right of Government or otherwise of giving out for reclamation, without reference to *khot*, hill land in *khoti* villages prior to the Survey.

2. As to rights of *khot* or otherwise to cut down all or any trees on the forest land of their villages up to the time of the Survey.

3. As to the application of Dunlop's proclamation to them, *i.e.*, as to their ownership of the soil of their villages or otherwise.

They are allowed to the 23rd January to bring their evidence on these points.

(Signed) T. HAMILTON,
Forest Settlement Officer.

Indápur, 23rd November 1882.

Hari Rámchandra *khot*-sharer appears and brings with him certain documents in proof of his ownership of No. 191. Copies of these are taken and recorded.

(Signed) T. HAMILTON,
Forest Settlement Officer.

1st February 1883.

Decision.

Right of way to No. 131 in 191 is admitted. With this exception I declare for the reasons recorded that No. 191 is free of rights.

(Signed) T. HAMILTON,
Forest Settlement Officer.

19th March 1883.

(True Copy)
W. F. SINCLAIR,
Forest Settlement Officer.

Exhibit No. 28.

(Referred to at page 300.)

Proposed Reserved Forest in the Village of Shirsád, Táluka Mángáv.

Numbers notified, 1883.

No.	Area.	Register entry.
	A. g.	
169	41 10 0	Forest reserve and free grazing.
182	121 31 0	
186	145 20 0	
194	29 31 0	Free grazing.

Notification published 21st August 1883.

Petition dated (none).

Present before the Settlement Officer :

Bhikáji Purshotam Bháte and three or four others, who state that this land is all *dhára* land—at least that it was so before the Survey; and at the Survey only the right of cultivating was abandoned and nothing else. Survey No. 194 is very near a hamlet of the village. Survey No. 186 ought at any rate to be released for the general good of the village. Survey No. 169 is claimed by Jagannáth Máhá láji Vádh, who says it was actually entered in his name and that he paid Rs. 10-8-0 for it one year. It appears on cross-examination that the assessment was reduced on his own petition. There are 1,712 acres of assessed *varkas* and 500 houses, there being twelve separate hamlets. There are 1,000 or more 1,500 head of cattle.

Decision.

There is no evidence to show that even supposing the land to have been originally the *dhára* of the petitioners they did not know very well what they were doing when they gave it up at the Survey. The claimant of survey No. 169 certainly did, for it is clear from what he says that it was given up at his own request, though he tries to make out that he merely said the assessment (4 annas per acre) was too high, I therefore reject the claim to ownership as *dhárekaris*. I also reject the claim to ownership as *khots* on the general ground on which all such claims are rejected, namely, that the *khot* has no more rights than any other occupant of the village over unassessed land. The permissive privileges of grazing, *rán*-cutting and firewood are not rights under the Government rulings, I therefore declare the land free of rights except rights of way over survey No. 182 to Nizámpur and over survey No. 186 to Shiroli.

But the village is so populous and the hamlets so numerous and some of them so close to the gazetted numbers that it will probably be advisable for the demarcating officer to disforest some portion. At any rate not more than half the forest area should be closed at once.

(Signed) C. B. WINCHESTER,
Forest Settlement Officer.

Camp Indápur, 3rd March 1884.

(True Copy)
W. F SINCLAIR,
Forest Settlement Officer.

Exhibit No. 29.

(Referred to at page 301.)

No. 206 of 1886-87.

FROM

R. RYAN, ESQUIRE,
Divisional Forest Officer, Kolába;

To

ALFRED KEYSER, ESQUIRE,
Collector of Kolába.

Alibág, 13th August 1886.

SIR,

With reference to your No. 3161, dated 3rd instant, I have the honour to report as follows:—

2. Prior to 1883 *kárvi* used to be sold by the Forest Department. Since 1883, or rather since the publication of Government Resolution No. 8633, dated 24th November 1883, no *kárvi* has been sold by the Forest Department. In that Resolution it is clearly laid down that no *kárvi* is to be cut until it has seeded. Wild tribes have, therefore, not been permitted hitherto to remove *kárvi* from Government reserves for sale free of charge. If the concession, to remove *kárvi* for sale free of charge, be granted to the wild tribes I am of opinion that it will not materially help them. *Kárvi* thus removed would be sold to people residing in large non-forest villages or towns and possibly in some instances it would be collected on behalf of traders.

1. Government Resolution No. 4719, dated 10th June 1885, regarding the settlement of the Bhivandi *táluka*, paragraph 6.
2. Government Resolution No. 5919, dated 22nd July 1885, paragraph 11, regarding the Forest Settlement of the Bassein *táluka*.

3. If a small fee were to be charged, Thákurs and Kátkaris in order to make a small profit would merely have to raise their prices a little. As it is Government have, in the Government Resolutions marginally noted, conceded to forest villagers the privilege of removing *kárvi* free of cost *for their own use.*

4. Minor produce as marginally noted has hitherto been sold in the Kolába Division. During the present season, however, owing to various privileges which have been conceded by Government the following articles will not be farmed:—(*a*) *shembi* bark, (*b*) *palas* leaves, (*c*) honey, (*d*) wax, (*e*) wild fruits, (*f*) *kárvi.*

1. *Hirda.*
2. *Shikekái.*
3. *Shembi* bark.
4. *A'pta* leaves.
5. *Tembhurni* leaves.
6. *Palas* leaves.
7. Honey.
8. Wax.
9. Mango fruits.
10. *Karvandi* (berries).
11. *Kárvi.*

5. A statement showing the details of receipts from minor produce from 1879 to 1885-86 accompanies. (Printed in Volume IV.)

I have, &c.,

R. RYAN,
Divisional Forest Officer, Kolába.

Exhibit No. 30.

(Referred to at page 301).

Abstract of Orders on Dalhi.

No.	Year.	Contents and authority.
1	1836	From *Kámávisdár* of Ráigad permitting Kátkaris to graze 10 sheep and cultivate 10 *pánds* free.
2	1843	Collector of Thána directing in future, in supersession of former orders, a levy of one rupee per *bigha* on all cultivated land
3	1856	Circular order of Collector of Thána limiting *dalhi* to places where there is no valuable timber, &c.
4	1862	Collector of Thána ordering stoppage of *dalhi* where it is destructive to forests; cites Secretary of State's No. 7 of 15th February 1862.
5	1841	Collector of Thána on petition of Kátkaris of Bhivandi granting exemption of areas of 10 *pánds.*
6	1858	Order from Captain Francis, Superintendent of Survey, directing levy at former rate (8 annas for each *koita*?) for the current year.
7	1858	From the same. Directing exemption of 10 *pánds, i.e.,* ½ acre as heretofore, and a levy of one rupee an acre for cultivation of larger plots. The Commissioner in his No. 501 of 21st February 1860, took exception to the Superintendent granting this exemption without sanction.

Exhibit No. 31.

(Referred to at page 301).

Received with Collector's endorsement No. 784, dated 19th April 1862, for information and guidance.

Extract para. 5 of a letter from Her Majesty's Principal Secretary of State for India, No. 7, dated 15th February 1862.

"Para. 5.—With respect to the remarks of Mr. Dalzell on the subject of the reluctant sanction given by your Government in October 1858 to the practice of *kumri* cultivation, I wish to remind you that my approval of the Resolution of your Government referred to and that of the 10th January 1859 in my despatch of the 20th September 1860, No. 30, was given on the understanding that it was only permitted, where its abolition would be oppressive to the poorer classes of cultivators, whose only means of subsistence was derived from this source. I am of opinion that wherever practicable this system of cultivation and that of *dalhi*, which appears to be almost as mischievous, should be entirely prohibited, as it is now in other parts of India, where it has been found to be both morally and physically pernicious to the people as well as to the forests. With respect also to paragraphs 22 and 23 of Mr. Dalzell's report, the Collectors should be enjoined to use their influence against the practice as much as possible with private proprietors, who allow it on their estates."

No. 1229 OF 1862.

REVENUE DEPARTMENT.

Forwarded to the Revenue Commissioner, N. D.

(Signed) J. B. PEILE,
Acting Under Secretary to Government.

Bombay Castle, 26th March 1862.

No. 717 OF 1862.

Camp Katcha, 31st March 1862.

Forwarded to the Collector of Thána for information and guidance with reference to former correspondence.

(Signed) B. H. ELLIS,
Revenue Commissioner, N. D.

(True Copy)

(Signed) F. F. ARBUTHNOT,
Acting Sub-Collect

Exhibit No. 32.

(Referred to at page 302.)

MEMORANDUM.

I presume that what you want to know is how far the *khots'* right to trees is affected by Mr. Dunlop's proclamation, because on the date of the proclamation there were only two tenures—'*khoti*' and '*dhárekari*' (survey occupancy did not then exist as no part of this district was brought under the survey settlement until 1865). The *dhárekaris'* right to trees including teak and *sisu* also has been admitted by Government. It is, therefore, in regard to the *khots* alone that the question has not yet been finally decided.

2. The only paper which can explain the scope of Mr. Dunlop's proclamation is his own letter, dated the 18th October 1823. I regret to state, however, that no copy of it is forthcoming on my records. I send you herewith a copy of the Government reply (*vide infra* page 411) to that letter, which will enable the Commission to obtain the information from the Secretariat.

3. Mr. Dunlop seems to have left this Collectorate about the end of 1824. His successors were in 1825-26 Mr. Gilbert Moore; in 1827 Mr Harrison, and in 1828 Mr. Reid. It is not probable, therefore, that there could be any correspondence on this subject between Mr. Dunlop and Government in 1827; nor can I trace any letters written by any of his successors on the depredations committed in the teak forests in the Suvarndurg *táluka*.

4. Moreover, the proclamation was published on the *1st March 1824* with the *previous* sanction of Government and there could apparently be no necessity for discussing the matter three years later.

5. I trust, therefore, that the correspondence you allude to is the one I have mentioned in the 1st paragraph.

6. At the time the proclamation was published, the Rátnágiri district contained, in addition to the present territories, the *tálukás* of Sánksi, Rájpuri and Ráigad. These were transferred to Thána in 1832.

7. I have never had the benefit of perusing Mr. Dunlop's letter. In 1873 one Bábáji Janárdan Gádgil of Tivra, a village in the Suvarndurg *táluka*, filed a suit against Government claiming a right to the teak trees in certain portions of the village. The applicability of Mr. Dunlop's proclamation to the forest in the said village came into question and his letter was then produced in the court. You will be able to form some idea of its contents from the extracts given at page 12 of the accompanying judgment (*vide infra*). The case is still pending in the High Court.

1. Band ... ... } Suvarndurg
2. Tudil-Vinhere .. } *taluka*.
3. Mahán. } Málvan. *taluka*.

8. You will also find from the proclamation given at page 14 (*vide infra* page 407) that the only forests which were *expressly* excluded from its operation were those mentioned in the margin. The scope of the proclamation was in this district subsequently restricted by another proclamation, dated 19th June 1851. This measure had also the previous approval of Government, but in the case noted in the margin, it was held by the High Court "that Government cannot, by issuing a subsequent proclamation, resume a grant made by a previous proclamation, inasmuch as it cannot, any more than a private person, without the consent of the donee revoke a gift actually made."

The Collector of Ratnágiri
v.
Venkatráv Náráyan Surve.

9. The proclamation of 1824 has often been the subject of comment in the civil courts. The leading cases are those known as Pigondi case and that of Raghunáth Rámájiráo Survey *v.* The Collector of Ratnágiri, in both of which it was held that unless a *khot* was proved to be a proprietor of his land, the proclamation neither conferred upon, nor confirmed to, him any rights in the timber trees. Whether *khots*, as such, have a proprietary right is a point on which several forest suits are still pending in the High Court, and from what I am given to understand by the Government Vakil, the leading cases will be decided in the course of the next two months.

Ratnágiri, 17th August 1886.

R. E. CANDY,
Collector, Ratnágiri.

Extract paragraphs 15 and 16 and 19 of judgment of the District Court of Ratnágiri in Original Suit No. 1 of 1874, the plaintiff being Bábáji Janárdan Gádgil of Tivre and defendants the Collector of Ratnágiri and the Conservator of Forests, N. D.

15. The first document relating to the existence of a Government forest at Tivre is Exhibit 104. This is a report in English, dated the 18th October 1823, made officially by Mr. John A. Dunlop, Collector of the Southern Konkan, to the Secretary to the Government of Bombay in the Public Department. It is proved by a certified copy. It is "on the subject of investigations into the depredations committed on the teak forest, situated in the Suvarndurg *táluka*." The forest of which Tivre forest forms a part is thus alluded to in paragraph 2 :—

> "Tradition records that Kánoji Angria, about one hundred years ago, procured teak seed from Malabár and sowed it in the neighbourhood of Suvarndurg, appropriating portions of the lands of three villages for that purpose. Since that time this forest has been called Band and has been preserved with the utmost care, so that the trees had increased greatly in number, and as all the ground where teak sprung up was retained and thenceforward considered as forest, it is said to have extended much beyond the original limits."

> "3. Establishments were maintained for the preservation of the trees up to the time of our acquiring the country, and Mr. Pelly entertained a *kárkun* and three peons also for that purpose; but from some misapprehension of the value, a practice obtained of granting orders for cutting wood in this forest to different people; these were mostly confined to applications for religious purposes, such as building mosques and pagodas, but from the want of proper checks to ascertain that these orders were not exceeded, the persons holding them and even others under the cloak of their names, soon began to cut wood to a great extent, and this forest, so long and carefully preserved, has been completely destroyed, for though there is no want of young plants many years must elapse before the trees can attain any considerable size."

Mr. Dunlop then alludes to the teak forest in the Tudil and Vinhere districts of the Suvarndurg *táluka*, which forest "also belongs to the State" (paragraph 5) "and was preserved by the former Government, but not so particularly as the other" though many trees were big enough for masts. Mr. Dunlop in paragraph 6 says :—"It was unfortunate that after Mr. Pelly no Collector was long enough in the District to become personally

acquainted with these circumstances." He then states that the *Sarkamávisdár*, who ought to have checked depredations, had largely entered into them himself and he was therefore criminally charged. The wood wherever found was seized by Mr. Dunlop's orders. He then, in paragraphs 22 and 23, states that except in these forests and one forest near Málvan, there was scarcely a teak tree of any size in the collectorship.

I quote the remaining portion of his letter to show what the state of agriculture was in the Konkan in 1823, in connection with the evidence about *pánkhardás*, and to show the reasons for his proclamation and ascertain its true meaning :—

"23. This probably may be owing in a great measure to the mistaken policy of the Native Government, in appropriating to themselves, without exception, all trees of this description that were worth taking; but I have also learned a variety of other circumstances that seem to me likely to produce nearly the same effect.

"24. In the first place all Konkani agriculturists entertain an opinion that without burning grass, boughs of trees and in short, all vegetable substances they can get, on their fields, no tolerable crop is ever produced. I shall not pretend to say whether substitutes for this mode of manuring might not be found, but the practice itself is universal.

"25. Portions of hills producing jungle, are, therefore, assigned to each field or division of fields, for the purpose of supplying this manure (called *ráb*), and particular plants are known to the husbandmen to be much superior in their effects to others. These it is not my present purpose to enumerate, but teak is not only the worst of the whole for this purpose, but wherever it becomes once established, destroys all others.

"26. The teak tree sheds its leaves at an earlier season than others, and the leaves soon become so wasted by the weather as to retain but little substance, and neither the leaves nor the wood are found to be of almost any use for burning on the fields from some peculiar property of the tree; also grass and other plants do not grow under it, so that altogether it is extremely unpopular with the cultivators, and would never be suffered to grow, except for the qualities of its timber.

"27. For these reasons I fear it is vain to hope that we should ever be able (even if it were desirable, which is doubtful) to offer sufficient encouragement to induce the natives to grow teak except where there is more hilly jungle than they require for the use of their fields, and in such situations there seems little doubt but the measure proposed in Sir T. Munro's Minute of declaring all teak to be the property of any individual who might grow it, would in process of time, lead to the wood being preserved, which is all that is necessary, for teak springs up spontaneously almost all over the Konkan.

"28. The present forests are quite recognized as Government property, and not liable to the principal objection urged against the Government claims in Malabár 'of being undefined'; the question here is not whether a doubtful claim ought to be enforced, but whether a valuable property shall be relinquished. I therefore think that the established forests should be retained by Government, and with the hope of encouraging the growth of teak, that a proclamation should be issued surrendering all the claims asserted by former Governments to teak or other valuable woods, and declaring that wherever these may be found beyond the limits of the three forests of Band, and Tudil and Vinhere in the Suvarndurg *táluka* and of Mahán near Málvan, they shall henceforth be the full and exclusive property of the persons on whose grounds they may grow, who shall be free to cut or dispose of such trees in any way they choose."

16. The next document is No. 30 produced from the Government records, being the original of a proclamation issued on behalf of the Honourable Company, by Mr. Dunlop, and bearing date the 1st March 1824. I have made the following exact translation from the Maráthi language:—

"Written proclamation is hereby made for the information of all, that it has hitherto been the practice for the *Sarkár* to take all teak, *sisu* and other timber trees of a good kind, on whosever land growing, on which account people were discouraged from preserving and rearing these timber trees. The *Sarkár* having heard this, and bearing in mind that all persons will be much benefited by the rearing of teak, *sisu* and other trees in the country, hereby proclaim for the information of all people, that, from this day forth, exclusive of the Government conserved (*Sarkár rákhichi ráne*) forests in the Band and Tudil Vinhere in the Suvarndurg *táluka* (and) Mahán, *Subha táluka*, Málvan, whoever may have teak and other trees growing on their land outside these limits will be exempted from the claim of Government. Those who are owners of trees or who will hereafter raise them will be allowed to dispose of them as they please. No obstruction will be caused on the part of Government."

19. The counsel for defendants have not given any information as to the revenue system under the Peshva and the earlier years of British rule. Mr. Hart while, as I understand, not denying the existence of some lands at Tivre in private ownership, does deny that the whole village belongs to private owners, and avers that the forest lands in which those in

suit are included were from Angria's time till Mr. Dunlop's, known as the property of Government, and that the British Government has never resigned or waived its rights, but actively enforced them. Every point in the suit is contested, and as regards almost every document, the Court has been asked to draw contrary inferences, for which reason I have deemed it just to make a very full note of the arguments.

As regards Mr. Dunlop's proclamation, it is urged for plaintiff that it only deals with trees and not with title to the soil, and this argument was used after nearly every one of plaintiff's witnesses had given evidence of the sole right of Government to every teak tree, including those of the smallest size. Now it is clear that the proclamation relates not only to Government forests but to the much larger country outside them in the collectorate. The object was to encourage the growth of teak and other superior timber trees by rayats, on land in their own occupation. The proclamation does not in any way deal with the title to the rayats' land, or allude to the question whether the owner was the rayat or the *Sarkár*; and whatever may have been the language used in the copy translated at page 188 of 6 Bombay Reports, the word "private" is not applied to any lands in the proclamation filed in this suit. There was no need to describe the rayat's land except by the word "their," and as Mr. Dunlop had no need to solve questions about title or tenure, it is hardly to be expected that he would be very technically explicit even in his exception of the Government forests from the rest of the district. But I think that the Maráthi words used in making the exception are in themselves explicit enough. The Band Tivre forest is called a "Government conserved forest" in Maráthi *Sarkár rákhiche ráne*. Now in ordinary parlance, as well as in Molesworth's definition, the word *rán* may mean either a forest or a waste piece of land. "It bears the general sense of region or tract, and is made specific by a designating noun prefixed as in *Dongar rán*, hilly country, *Kale rán*, region of black earth." Mr. Ránade's contention is not borne out by the language of the document. Any doubt that remains must cease, when it is borne in mind that a division between the soil and the roots is impossible, that every single teak sprout is preserved as belonging to Government, and that conservation of young sprouts would be practically impossible, if cultivators had a right to dig the soil at their own pleasure. Mr. Dunlop's letter is clear enough. By the word forest, he meant the soil as well as the trees. In paragraph 2 he says, "all the ground where teak sprung up was retained, and thenceforward considered as forest," and when in paragraph 28 he states that "the present forests" are "defined" and have "limits," it is manifest that he means land, not trees.

* * * * * * * *

Copy of letter No. 5, dated 18th October 1823, from Mr. John A. Dunlop, Collector in the Southern Konkan, to the address of the Chief Secretary to Government, received with Government Memorandum No. 699, dated 2nd October 1886.

No. 5 of 1823.

Public Department.

To

JAMES FARISH, Esquire,
Secretary to Government, Bombay.

Sir,

In reference to the last paragraph of my letter of the 8th May last promising a report on the subject of investigations into the depredations committed on the teak forests situated in the Suvarndurg *táluka*, I have now the honour to submit the information I have acquired for the instructions of Government on any further proceedings that may be deemed requisite.

2. Tradition records that Kánoji Angria, about one hundred years ago, procured teak seed from Malabár and sowed it in the neighbourhood of Suvarndurg appropriating portions of the lands of three villages for that purpose. Since that time this forest has been called Band, and has been preserved with the utmost care, so that the trees had increased greatly in number, and as all the ground where teak sprung up was retained and, thenceforward considered as forest, it is said to have extended much beyond the original limits.

3. Establishments were maintained for the preservation of the trees up to the time of our acquiring the country, when Mr. Pelly entertained a *kárkun*, and three peons for that purpose, but from some mis-apprehension of the value a practice obtained of granting orders for cutting wood on this forest to different people; these were mostly confined to applications for religious purposes, such as building mosques, and pagodas, but from the want of proper checks to ascertain that these orders were not exceeded, the persons holding them and even others under the cloak of their names, soon began to cut wood to a great extent, and this forest so long and carefully preserved, has been completely destroyed, for though there is no want of young plants, many years must elapse before the trees can again attain any considerable size.

4. There is another teak forest in the Tudil and Vinhere districts of the Suvarndurg *táluka* (but lately transferred to Ráigad for the convenience of management, being near Mahád). The soil here however is represented not to be so favourable for the growth of teak as in the Band forest, but this circumstance is said to stunt the growth, and cause the trees to grow with more branches and crooked, so that they would be more valuable for the purposes of ship-building.

5. This forest also belongs to the State and was preserved by the former Governments, but not so particularly as the other, though many trees had attained to a very large size, so as to be fit for masts to the coasting vessels; of these a number have been cut and removed, but some still remain.

6. It was unfortunate that after Mr. Pelly no Collector was long enough in the district to become personally acquainted with these circumstaces, and the person who seems most blameable in the business, is the *sarkamávisdár* of the district, Gulám Hussein, who so far from making these depredations known to his superiors appears to have entered largely into the speculation himself. The enquiries respecting his concern in it are not quite completed, but according to the information acquired his dealings in this way appear to stand as follows:—

	Logs.	Rafters.
Quantity exported according to statement forwarded by the Collector of Sea Customs and delivered to different individuals	778	60
Deduct—Amount of orders held by Gulám Hussein	220	475

Leaving an excess already disposed of 558. Of the rafters for which he holds orders only 60 have been disposed of and 60 more remain in the hands of a native in the district, so that only 120 appear to have been cut, leaving 355 uncut of his orders, but their value is small compared to the value of timbers.

7. Some of the trees might have been divided in two pieces, and an allowance of one-fourth or 179 pieces seems ample on this account, which leaves 379 pieces still to be accounted for beyond his orders.

8. Gulam Hussein also holds orders for 100 branches and tops of trees cut when they are felled, and it will rest with him to show what portion (if any) of the wood exported was of this description.

9. In addition to the wood above-mentioned however 224 logs of timber of his still remain under attachment in the jungles, and there are applications from him in the office, stating that the whole of the wood cut by him under the orders granted by my predecessors still remains to be exported notwithstanding his exports having already exceeded that quantity as shown above.

10. Gulam Hussein is now under trial on other charges, but his misconduct respecting the teak forest is quite sufficient to render him utterly unworthy of the further confidence of Government.

11. On receiving the first information respecting these depredations I deputed a *kárkun* and peons into the forests, but nothing was learned from their report and the *sarkamávisdár* being interested in concealing the business from me. I was in danger of having my endeavours defeated, when a Bráhman named Báláji Pant Hulbe offered for a share of what might be recovered to undertake the inquiry.

12. I engaged to give him a third of whatever might be recovered through his means, on the principle of the share of smuggled goods allowed to informers, and he has already discovered 5,233 logs of wood, cut and concealed in the jungle, buried in the mud at the ports where they had been brought for export and otherwise secreted, as also 5,443 rafters and 394 planks, besides a quantity of small pieces.

13. All the cases are similar. Orders to cut wood have been greatly exceeded, others granted for the construction or repairs of mosques or pagodas have been appropriated by the holders, entirely or partially, to their own private use; but it was impossible to trace these, except from the information of neighbours, which must be left to the person who has undertaken the enquiry to bring forward and follow out.

14. I applied to the Customs Masters in the Konkan and at Bombay for accounts of the exports and imports of teak wood from this district. From these it appears that teak has been exported in some cases in quantities considerably exceeding the orders held by the exporters, and large quantities still remain in the jungles cut belonging to the same persons, all of which that could be discovered has been attached.

15. The accompanying statement showing the quantity of wood exported by Náran Ambáji, a pensioned Purvoe at Bánkot, is a specimen of the modes resorted to of entering wood at the Custom House in different names probably to defeat inquiry, but he has acknowledged all inserted in this statement to have been on his account; the quantity thus

exported by him is 1,183 logs, but as some few of the trees may have been divided into two pieces, say half the number, let the fourth part or 269 logs be deducted on this account which is at least a liberal allowance. There will still remain against him trees 809 Náran Ambáji holds orders of his own and other people's for 490 trees, leaving an excess already exported of 319 trees.

16. Náran Ambáji also holds orders for 200 branches or pieces cut from the tops of trees when felled and 105 of the pieces exported (the third item from the bottom of the statement) appear to be of an inferior description, so that they may be deducted on this account but will still leave 214 pieces unauthorizedly exported.

17. In addition to this however Báláji Pant has detected and seized 1,510 logs in the jungle which have been felled and squared, ready for exportation by Náran Ambáji, and I have to request the orders of Government on this man's case as a guide for me respecting others.

18. In the first place I request Government to determine whether the taking of Government property under these circumstances is to be regarded and prosecuted as a criminal offence or to be considered as a civil claim and the value of the property merely recovered.

19. In the latter case the wood which has been seized may be retained now as Government property and the expense of felling and bringing it from the jungles would be a very moderate punishment indeed for the offence of cutting it without authority, and the value of what has been exported beyond the quantity for which orders had been granted might be recovered from the parties by civil suits.

20. I also request the orders of Government for the disposal of the wood seized, whether it is to be delivered to the Commissary General, or such part of it sold by auction as may not be wanted.

21. The subject on which my opinion is required in the second paragraph is one of considerable difficulty, and I must state some circumstances connected with the question, in order to enable Government to judge of the grounds of my opinion.

22. In the first place we see that the two forests in the Suvarndurg *táluka* and one near Málvan which were carefully preserved by Government contained almost as much teak as the space would admit of, and there is scarcely such a thing as a teak tree of any size to be found in any other part of the collectorship.

23. This probably may be owing in a great measure to the mistaken policy of the native Governments in appropriating to themselves without exception all trees of this description that were worth taking, but I have also learnt a variety of other circumstances that seem to me likely to produce nearly the same effect.

24. In the first place all Konkani agriculturists entertain an opinion that without burning grass, boughs of trees, and in short all vegetable substances they can get on their fields, no tolerable crop is ever produced. I shall not pretend to say whether substitutes for this mode of manuring might not be found, but the practice itself is universal.

25. Portions of hill producing jungle are, therefore, assigned to each field, or division of fields, for the purpose of supplying this manure (called *ráb*) and particular plants are known to the husbandmen to be much superior in their effects to others; these it is not my present purpose to enumerate, but teak is not only the worst of the whole for this purpose, but wherever it becomes once established destroys all others.

26. The teak tree sheds its leaves at an earlier season than others and the leaves soon become so wasted by the weather as to retain but little substance and neither the leaves nor the wood are found to be of almost any use for burning on the fields from some peculiar property of the tree; also grass and other plants do not grow under it, so that altogether it is extremely unpopular with the cultivators and would never be suffered to grow, except for the quantities of its timber.

27. For these reasons I fear it is vain to hope that we should ever be able (even if it were desirable, which is doubtful) to offer sufficient encouragement to induce the natives to grow teak except where there is more hilly jungle than they require for the use of their fields, and in such situations, there seems little doubt but the measure proposed in Sir T. Munro's minute of declaring all teak to be the property of any individual who might grow it would in process of time lead to the wood being preserved, which is all that is necessary, for teak springs up spontaneously almost all over the Konkan.

28. The present forests are quite recognized as Government property and not liable to the principal objection urged against the Government claims in Malabár "of being undefined." The question here is not whether a doubtful claim ought to be enforced, but whether a valuable property shall be relinquished. I therefore think that the established forests should be retained by Government, and with the hope of encouraging the growth of teak that a proclamation should be issued surrendering all the claims asserted by former Governments to teak or other valuable woods and declaring that wherever these may be found beyond the

limits of the three forests of Band and Tudil and Vinhere in the Savarndurg *táluka*, and of Mahán near Málvan, they shall henceforth be the full and exclusive property of the persons on whose grounds they may grow, who shall be free to cut, or dispose of such trees in any way they choose.

Konkan Collector's Office, 18th October 1823.

I have, &c.,
(Signed) JOHN A. DUNLOP,
Collector.

(True Copy)
D. K. NARIMAN,
For Superintendent, Revenue Department, Secretariat.

(Referred to in Mr. Candy's Memorandum *(vide supra* page 405.)

No. 1630 OF 1823.

TERRITORIAL DEPARTMENT, REVENUE.

To
JOHN A. DUNLOP, ESQUIRE,
Collector in the Southern Konkan.

SIR,

I am directed to acknowledge the receipt of your letter, dated the 18th ultimo, reporting on the state of the forests in the Southern Konkan, and the depredations which have been committed on them.

2. The Honourable the Governor in Council authorizes you to prosecute for recovering the value of the teak timber clandestinely exported as for a civil claim in the instance of the trees cut down beyond the quantity specified in the permits granted to individuals.

3. The suggestion in the 20th paragraph is under consideration.

4. The Honourable the Governor in Council approving of the suggestions contained in the 28th paragraph authorizes you to issue a proclamation surrendering all claims to teak or other valuable wood beyond the limits of the three forests of Band, Tudil and Vinhere in the Suvarndurg *táluka* and of Mahán near Málvan.

5. You will be pleased to suggest the manner in which it would be best to turn to account those trees in the Government forests which may be of proper size to fell from time to time.

Bombay Castle, 1st November 1823.

I have, &c.,
(Signed) J. FARISH,
Secretary to Government.

(True Copy)
R. E. CANDY,
Collector.

Exhibit No. 33.

(Referred to at page 302.)

Statement made by Fuel and Timber Contractors (Messrs. Lakhmidás Nathushet and Heerji Dámji.)

Fuel fellings.—For the purpose of felling trees we employ as far as possible Maráthás of this district who understand felling. As we are never able to obtain a sufficient number of hands here we are compelled to import Maráthás, Kunbis and Mhárs from distant places such as Ratnágiri and the Pant Sachiv State. In this district, the Mahád *táluka* supplies most labourers for felling work.

We also employ Thákurs Kátkaris (men, women and children) and other poor people of the district for the purpose of stacking wood and carrying small bundles to bunders. For the carriage of large fuel pieces we are obliged to import pack bullocks from the Násik, Khándesh and Ahmednagar districts, also from the Hydrabad State. Thákurs and Kátkaris do not understand felling as a general rule.

Teak fellings.—Similar remarks apply so far as the *felling* of teak is concerned. Owing to a scarcity of carpenters here we import them from the Ratnágiri district and the Sudhágad *táluka* in the Pant Sachiv State.

For carrying teak billets to bunders, stacking wood, &c., we employ, Thákurs, Kátkaris and others in this district (men, women and children).

(Signed) R. RYAN,
Divisional Forest Officer, Kolába.

Forwarded with compliments to the Collector of Kolába with reference to certain questions put by the Forest Commission. Only small departmental fellings are made now and local labourers are, of course, employed on these.

Alíbág, 20th August 1886.

R. RYAN,
Divisional Forest Officer.

Exhibit No. 34.

(Referred to at page 303.)

No. 875 of 1886.

To

THE DIVISIONAL FOREST OFFICER,
Kolába.

Camp Panvel, 5th March 1886.

SIR,

I have the honor in continuation of Maráthi correspondence minuted on by Mr. Sinclair, and forwarded with my No. 857 of 4th March 1886, to request that, as Mr. Sinclair has, as I observe, from his notes, ruled that people have prescriptive rights to lop all trees, except teak in many forest numbers of Mahád for *ráb*, you will instruct your subordinates to respect this decision, instead of acting strictly on the terms of Government Resolution No. 1203 of 4th February 1883.

2. I shall make a reference to Government on the subject, but the forests of Mahád are so unimportant that it is not worth while to insist too strongly on limiting what has certainly been hitherto enjoyed as a customary right at the risk of causing friction between the forest subordinates and the people, especially when I think there is little doubt that Mr. Sinclair's view is the correct one.

3. You will see from the detailed notes sent with his report to what numbers his decision refers.

I have, &c.,
(Signed) ALFRED KEYSER,
Collector.

True Copy)
ALFRED KEYSER,
Collector.

Exhibit No. 35.

(Referred to at page 304.)

List of Bágáyat assessed Waste Lands, Túluka Alíbág.

No.	Village.	Land. Survey Number.	Land. Pot Number.	Area. A. g. a.	Assessment. Rs. a. p.	From what time is waste.
1	Revdanda ...	145	2	0 3 0	0 9 0	Since 1861-62.
		193	1	1 1 8	6 0 6	Since 1869-70.
		...	...	1 4 8	6 9 6	
2	Alíbág ...	39	...	1 25 12	17 4 0	Sold up in 1864-65 in default.
		102	...	0 17 8	0 15 6	Since 1860-61.
		103	...	0 11 0	0 10 0	
		153	...	0 3 8	0 10 0	Do.
		...	...	2 17 12	19 7 6	
3	Thal	280	...	0 10 8	0 10 6	From 1860-61. The land is on the sea beach.
4	Chaul... ...	92	6	0 9 8	1 15 6	Since 1877-78 it was taken for road.
5	Agarkot ...	33	...	0 14 8	0 13 0	From the time of survey, i.e., 1864-65.
6	Khár Milkat ...	1	...	1 0 12	2 8 6	Since the memory of man.
		2	...	2 5 0	4 15 6	
		3	...	2 11 0	4 15 6	
		4	...	1 11 4	10 13 0	From 1881-82.
		...	...	6 28 0	23 4 6	
7	Nágáv ..	28	...	2 1 8	5 1 6	Since the survey, 1860-61.
		29	...	2 0 12	5 0 6	
		30	...	2 6 0	5 6 0	
		31	...	2 25 4	6 9 0	
		32	...	1 38 0	4 14 0	
		33	...	1 36 8	4 12 6	
		...	...	12 28 0	31 11 6	
8	Avás	259	...	0 31 8	1 15 6	Since the survey.
		260	...	1 26 12	4 2 6	
		...	...	2 18 4	6 2 0	
9	Akshi ...	153	...	1 0 8	2 1 0	From 1861-62.
		157	...	1 32 8	4 8 6	
		163	...	0 8 8	0 11 6	From 1867-68.
		...	...	3 1 8	7 5 0	
		...	...	29 12 8	97 15 0	

ALFRED KEYSER,
Collector.

Exhibit No. 36.

(Referred to at page 305.)

Forest Settlement Appeal.

	Acres.	*Gunthás.*
No. 96 ...	81	14

Forest Reserve free grazing, village Kolhan.
Present Gopál Náráyan, appellant.

After hearing the appellant, I confirm Mr. Winchester's decision, but he should have distinctly stated what rights remained to the *khot* under the agreement.

2. These rights are:—

1*st*.—That the *khot* is entitled to one-third share of the fellings of full grown teak trees.

2*nd*.—That they shall annually lop the trees at the proper season and hand over to Government all pieces of timber over four cubits long, and of the size of a man's calf in thickness. That the sale proceeds of these loppings shall be divided in the same proportion, one-third to the *khot*, two-thirds to Government, and the leaves be divided between them and the rayat.

3. The shares to depend on the proper conservation of the forest by the *khot*.

4. The 2nd condition I look on as obsolete, it being now agreed that lopping teak-trees is harmful. There is therefore no proper season for it.

5. The only right, therefore, I consider the *khot* possesses is to one-third share in all fellings by the Forest Department.

26th September 1884.

(Signed) ALFRED KEYSER,
Collector.

(True Copy)
ALFRED KEYSER,
Collector.

Exhibit No. 37.

(Referred to at page 305.)

Extract of reply No. 15 given to one Pándurang Dámodar Risbud of Tale from the B. Mángáv Outward Bárnishi Book for the year 1884-85 in the Office of the Collector of Kolába.

With reference to your petition of appeal dated 12th June 1884, received under District Forest Settlement Officer's endorsement dated 30th August 1884, in which you complained against the decision passed by the Forest Settlement Officer to the effect that no one had any rights whatever except the right of way in Survey No. 35 of the village of Nánavli, you are informed as follows:—

From the reasons given by you in the petition in support of your right to the land with all the produce thereon in the said survey number, your petition cannot be granted. It has been alleged in paragraph 5 of the petition that the land of the said number was through mistake set apart for grazing and forest preservation at the time of the Survey. But it was your duty to take steps to have the error rectified within the period prescribed in Act I. of 1865. There is no necessity to consider the matter now. The petition is therefore rejected.

6th September 1884.

(True Copy)
RA'VJI DINKAR,
Chitnis.

Digitized with financial assistance from

Shri Brihad Bhartiya Samaj

on 24 February, 2020